

Also, petition of merchants of Nokomis, Assumption, and Girard, Ill., against a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of the Staunton Trades Council, against admittance of pauper labor into the United States; to the Committee on Immigration and Naturalization.

By Mr. KENDALL: Petition of citizens of Deep River, Iowa, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KOPP: Petition of citizens of the third Wisconsin congressional district, against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of Paul H. Haept and 36 other citizens of Michigan, urging pensions for members of the Life-Saving Service (S. 5677); to the Committee on Interstate and Foreign Commerce.

Also, petition of Cheboygan (Mich.) ministers, for enactment of the Miller-Curtis interstate liquor bill; to the Committee on Interstate and Foreign Commerce.

By Mr. LOWDEN: Petition of Methodist Episcopal Church of Paw Paw, Freeport Trinity Church, and First Presbyterian Church of Freeport, Ill., for the Miller-Curtis bill (H. R. 23641); to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL: Petition of Massachusetts State Board of Trade, favoring permanent tariff board; to the Committee on Ways and Means.

By Mr. McCREDIE: Petition of Arctic Club, favoring improved postal facilities for Alaska; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Washington, against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. McHENRY: Petition of Pomona Grange, No. 5, of Pennsylvania, for Senate bill 5842 and House bill 20582, relative to oleomargarine; to the Committee on Agriculture.

By Mr. McMORRAN: Petition of A. E. Conlan and Brathwell Bros., of Blaine, Mich., against a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of John Andrews, of Bad Axe, and 24 others, and of N. C. Karr, of Lapeer, and 25 others, of Michigan, and Andrew Wood and 19 others, of Marine City, Mich., for the Miller-Curtis bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Sarah J. Standefer and the estate of Elizabeth W. Carper; to the Committee on War Claims.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Have-lock, Nebr., against rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of citizens of Chicago, protesting against unnaturalized foreigners remaining in the United States; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Petition of Religious Society of Friends for Pennsylvania, New Jersey, and Delaware, against proposed fortification of the Panama Canal; to the Committee on Railways and Canals.

Also, petition of Greenbaum Bros., of Philadelphia, Pa., for San Francisco as site of the Panama Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. OLDFIELD: Petition of citizens of the second Arkansas congressional district, against a rural parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. PICKETT: Petition of citizens of Wright County, Iowa, for House bill 29346; to the Committee on Invalid Pensions.

Also, petition of citizens of Buchanan County, Iowa, favoring amendment of pension laws; to the Committee on Invalid Pensions.

By Mr. SABATH: Petition of citizens of the fifth Illinois congressional district, against local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Religious Society of Friends for Pennsylvania, New Jersey, and Delaware, against fortifying the Panama Canal; to the Committee on Railways and Canals.

Also, petition of American Institute of Homeopathy, against the Mann, Owen, and Creager health-department bills; to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: Papers to accompany bills for relief of Mrs. Charles H. Benson and Henry Fink; to the Committee on Claims.

By Mr. SHEFFIELD: Petition of Town Council of Johnstown, R. I., for Senate bill 5677; to the Committee on Interstate and Foreign Commerce.

By Mr. STURGISS: Paper to accompany bill for relief of Henrietta Stuart; to the Committee on Pensions.

By Mr. SULZER: Petition of 31 members of the Allenville (Wis.) Grange, No. 562, favoring the enactment of the Sulzer bill (H. R. 26581) to reduce postal rates, to improve the postal service, and to increase postal revenues; to the Committee on the Post Office and Post Roads.

Also, petition of Chamber of Commerce of the State of New York, favoring Lowden bill (H. R. 30888) providing buildings for foreign embassy, legation, and consular service; to the Committee on Foreign Affairs.

By Mr. THISTLEWOOD: Petition of citizens of the twenty-fifth congressional district of Illinois, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. TOU VELLE: Petition of merchants of Celina, Ohio, against parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Drake County Farmers' Institute, favoring parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Greenville, Ohio, against railroad-ing through House bill 30292 without proper hearing; to the Committee on Interstate and Foreign Commerce.

## SENATE.

FRIDAY, January 20, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

### SENATOR FROM CALIFORNIA.

Mr. FLINT presented the credentials of JOHN DOWNEY WORKS, chosen by the Legislature of the State of California a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram, in the nature of a petition, from the State Bar Association of New York, praying for the enactment of legislation providing for an increase in the salaries of the judges of the Federal courts, which was referred to the Committee on the Judiciary.

He also presented a petition of Typographical Union No. 90, of Richmond, Va., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of Plymouth Church, of Worcester, Mass., praying for the enactment of legislation to prohibit the sale of opium and cocaine in the United States, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Minnesota National Guard Association, praying for the enactment of legislation providing for Federal pay for the Organized Militia of the country and also for the encouragement of rifle practice, etc., which was referred to the Committee on Military Affairs.

He also presented the petition of R. J. Mitchell, of Red Bluff, Cal., praying for the enactment of legislation to regulate the traffic in opium and cocaine in the United States, which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a memorial of sundry citizens of Decatur, Ill., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Subdivision No. 32, International Brotherhood of Locomotive Engineers, of Aurora, Ill., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Progress Lodge, No. 58, Switchmen's Union of North America, of Chicago, Ill., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented the memorial of Samuel C. Eastman, of Concord, N. H., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURNHAM presented the memorial of C. H. Thorpe, of the White Mountain Republic Journal, of Littleton, N. H., and the memorial of Samuel C. Eastman, of Concord, N. H., re-

monstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

Mr. CRAWFORD presented memorials of sundry citizens of Flandreau, Dallas, Avon, Worthing, Canton, Powell, Yankton, Ethan, and Hot Springs, all in the State of South Dakota, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

Mr. BORAH presented a memorial of sundry citizens of Twin Falls, Idaho, remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. RAYNER presented a memorial of the Society of Friends of Maryland, remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Intercoastal Canals.

#### REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 20109) to quiet title to certain land in Dona Ana County, N. Mex., reported it without amendment and submitted a report (No. 991) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 9659) to maintain at the United States Military Academy an engineer detachment, reported it with an amendment and submitted a report (No. 999) thereon.

Mr. DEPEW, from the Committee on Pacific Islands and Porto Rico, to which was referred the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes, reported it with amendments.

#### IMMIGRANT STATION AT BOSTON.

Mr. LODGE. From the Committee on Immigration I report back favorably, without amendment, the bill (S. 10221) authorizing the Secretary of Commerce and Labor to exchange the site for the immigrant station at the port of Boston, and I ask for its present consideration.

The VICE PRESIDENT. The bill will be read by the Secretary.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of Commerce and Labor to exchange the site heretofore acquired for an immigrant station at Boston, Mass., for another suitable site, the additional cost not to exceed \$30,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### EXTENSION OF NEWTON PLACE NW.

Mr. GALLINGER. From the Committee on the District of Columbia I report back favorably, without amendment, the bill (S. 9729) to amend an act entitled "An act to provide for the extension of Newton Place NW. from New Hampshire Avenue to Georgia Avenue, and to connect Newton Place in Gass's subdivision with Newton Place in Whitney Close subdivision," approved February 21, 1910, and I submit a report (No. 990) thereon.

It is a brief bill, and an important one to certain interests. I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JAMES HENRY PAYNE.

Mr. GALLINGER. From the Committee on Naval Affairs I report back favorably with an amendment the bill (S. 9674) for the relief of James Henry Payne, and I submit a report (No. 989) thereon. I desire to call the attention of the senior Senator from Massachusetts [Mr. LODGE] to the bill.

Mr. LODGE. I ask for the present consideration of the bill. The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add at the end of the bill the following proviso:

*Provided*, That the said James Henry Payne shall not, by the passage of this act, be entitled to back pay or allowances.

So as to make the bill read:

*Be it enacted, etc.*, That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to place upon the retired list of the United States Navy, with the rank of passed assistant surgeon, with three-fourths the pay of that grade,

the name of James Henry Payne, late passed assistant surgeon of the United States Navy: *Provided*, That the said James Henry Payne shall not, by the passage of this act, be entitled to back pay or allowances.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BALTIMORE & WASHINGTON TRANSIT CO.

Mr. SMITH of Maryland. From the Committee on the District of Columbia I report back with amendments the bill (S. 10053) to extend the time within which the Baltimore & Washington Transit Co. of Maryland shall be required to put in operation its railway in the District of Columbia, under the provisions of an act of Congress approved June 8, 1896, as amended by an act of Congress approved May 29, 1908, and I submit a report (No. 988) thereon. I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 9, before the word "months," to strike out "eighteen" and insert "fifteen;" and at the end of the bill to add the following proviso:

*Provided*, That said Baltimore & Washington Transit Co. shall be subject to all the duties, conditions, and limitations provided in the acts of Congress approved June 8, 1896, and May 29, 1908, and not inconsistent with the provisions hereof.

So as to make the bill read:

*Be it enacted, etc.*, That the time within which the Baltimore & Washington Transit Co. of Maryland is required to put in operation its railway in the District of Columbia, under the provisions of an act of Congress approved June 8, 1896, as amended by an act approved May 29, 1908, be, and the same is hereby, extended for a term of 15 months from the 28th day of May, 1910, and that all the franchises, rights, privileges, and powers conferred by said acts, or either of them, may be enjoyed and exercised by said railway, or its successors in interest, as fully and completely as if said railway had been completed and put in operation prior to May 29, 1910: *Provided*, That said Baltimore & Washington Transit Co. shall be subject to all the duties, conditions, and limitations provided in the acts of Congress approved June 8, 1896, and May 29, 1908, and not inconsistent with the provisions hereof.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THORNTON:

A bill (S. 10342) providing for the appointment of an additional professor of mathematics in the Navy; to the Committee on Naval Affairs.

By Mr. GALLINGER:

A bill (S. 10343) granting a pension to Lillian A. Wilmet (with accompanying paper); to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 10344) confirming to the Yankton Tribe of Indians of South Dakota the title, ownership, and right of possession of certain lands; to the Committee on Indian Affairs.

By Mr. PERKINS:

A bill (S. 10345) for the relief of F. A. Hyde & Co.; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 10346) granting an increase of pension to Edward Smith Tennent (with accompanying papers); and

A bill (S. 10347) granting a pension to John E. Robertson (with accompanying paper); to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 10348) to cede and sell to the city of Fort Smith, State of Arkansas, a municipal corporation, a portion of a tract of ground adjoining the national cemetery in said city of Fort Smith, State of Arkansas, as described in the act herein; to the Committee on Military Affairs.

By Mr. DU PONT:

A bill (S. 10349) to authorize Joseph Swift to construct an elevated trestle across Anacostia Road, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BORAH:

(By request.) A bill (S. 10350) for the relief of the heirs at law of Addison C. Fletcher; to the Committee on Claims.

A bill (S. 10351) granting a pension to George W. Perry (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 10352) granting an increase of pension to Louis J. Hinkley; to the Committee on Pensions.



By Mr. WARNER:

A bill (S. 10353) granting a pension to Sallie W. Willard (with accompanying papers); to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate \$500 to be paid to the clerk of the court of appeals, District of Columbia, as additional compensation as custodian of the court of appeals building, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate \$200,000 to purchase land accessible to the horse-raising section of Virginia, for assembling, grazing, and training horses purchased for the mounted service of the Army, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

#### RIVER AND HARBOR APPROPRIATIONS.

Mr. NEWLANDS. I offer the following resolution and ask for its immediate consideration.

The resolution (S. Res. 326) was read, as follows:

*Resolved*, That the Secretary of War be requested to transmit to the Senate a statement of the total amounts, by acts, appropriated by Congress to and including December 31, 1910, in the form of the table printed as Table 1 in House Document No. 421, Fifty-seventh Congress, second session.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none, and the question is on agreeing to the same.

Mr. BURKETT. I should like to know what it is. I can not understand the resolution from the reading.

Mr. BEVERIDGE. If it requires any debate, I think it will have to go over. I am perfectly willing that it shall be considered, if it requires no debate.

Mr. NEWLANDS. It is merely a formal matter. The object of the resolution is to obtain from the Secretary of War the completion up to date of a certain table that was sent in to Congress some three or four years ago segregating the expenditures on rivers from the expenditures on harbors by annual appropriation acts.

The resolution was agreed to.

#### SENATOR FROM ILLINOIS.

Mr. GAMBLE. I desire to give notice that on Monday, after the routine morning business, I will address the Senate on the right of the Senator from Illinois [Mr. LORIMER] to retain his seat in the Senate.

#### BILLS OF EXCHANGE.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 768), which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith a letter from the Secretary of State, inclosing a report, with accompanying papers, of the delegate of the United States to the International Conference on Bills of Exchange, held at The Hague from June 23 to July 25, 1910.

WM. H. TAFT.

THE WHITE HOUSE, January 20, 1911.

#### SALE OF BURNT TIMBER ON PUBLIC LANDS.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 9957) to authorize the sale of burnt timber on the public lands, and for other purposes.

Mr. BEVERIDGE. Will it involve any debate?

Mr. NELSON. I think not.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill.

Mr. BORAH. Mr. President, I could not understand the reading of the bill, and I should like to ask a question or two before it is considered.

The VICE PRESIDENT. Reserving the right to object, the Senator from Idaho desires to obtain certain information.

Mr. BORAH. Do I understand that this bill permits the sale of burnt timber upon homestead entries, the class of entries where title has not yet been perfected?

Mr. NELSON. Certainly.

Mr. BORAH. May I ask, furthermore, does that permit—

Mr. NELSON. This is a bill prepared by the department.

Mr. BORAH. Does it permit the Government to take the money and deposit it in the Treasury?

Mr. NELSON. It provides, in the case of homesteads, that the proceeds shall be distributed pro rata to the homesteader in proportion to the time of his residence on the land up to

that period and the balance goes into the Treasury, into a special fund called "the burnt-timber fund." In case his entry is consummated—that is, if he is entitled to a patent—he gets the balance of the fund, the whole amount, but he gets a proportion of it immediately.

Mr. HEYBURN. Mr. President, may I make a suggestion to the Senator in charge of the bill that he withdraw his request for unanimous consent and that he move to take up the bill? We can not discuss the bill under the five-minute rule. It ought not to be taken up under Rule VIII, but it ought to be taken up under a rule where it would be open to free discussion. It is a very large question.

Mr. BEVERIDGE. If that is true, Mr. President—the Senator from Minnesota [Mr. NELSON] was under the impression that there would not be any debate, and it appears now that there will be considerable—

Mr. BORAH. I do not desire to debate it, but I was compelled to ask certain questions by reason of a communication which I have received with respect to the matter.

Mr. BEVERIDGE. I object, Mr. President.

The VICE PRESIDENT. The Senator from Indiana objects.

#### RIGHTS OF WAY THROUGH PUBLIC LANDS.

Mr. DIXON. Mr. President, I ask unanimous consent to call up for consideration a very short bill on the calendar that will lead to no debate at all. It is the bill (S. 7713) relating to rights of way through certain reservations and other public lands.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent for the present consideration of a bill.

Mr. BEVERIDGE. I call the attention of the Senator from Montana to the fact that the Senator from Maryland [Mr. RAYNER] is prepared to take the floor and address the Senate. It is hardly fair to him, if he is going to make a speech, that Senators should ask to call up bills by unanimous consent. All of us who have been here see, if that is done in one case, it must be done in another; and the Senator will realize that every Senator who has a bill here which he wants considered regards his bill as being quite as important as the bill of any other Senator. The result will be that the whole morning hour will be occupied. For that reason—and I hope the Senator from Montana will understand that I do not wish to stand in his way—I must object.

The VICE PRESIDENT. Objection is made.

Mr. DIXON. Mr. President, I will say to the Senator from Indiana that I would not have invoked unanimous consent except that three or four other Senators have already done so.

Mr. BEVERIDGE. No.

Mr. DIXON. Yes; I patiently listened.

Mr. BEVERIDGE. The Senator from Montana will find that not one bill has been considered this morning. A resolution was considered, and it was stated in the beginning that that resolution was merely the calling on an executive department for some information, and that if it caused any debate it would be objected to. Everything else has been objected to. I hope the Senator from Maryland will now proceed.

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed, and the Senator from Maryland [Mr. RAYNER] is recognized.

#### ELECTION OF SENATORS BY DIRECT VOTE.

Mr. RAYNER. Mr. President, I propose to address the Senate briefly upon the election of United States Senators by the people. I shall do so as concisely as I can both as regards the amendments and as regards the resolution itself. I want to call the attention of the Senate to the two amendments, one the amendment of the Senator from Utah [Mr. SUTHERLAND] and the other the amendment of the Senator from New York [Mr. DEPEW].

If this were not comparatively a new proposition, I really am not certain that I should address the Senate at all upon the subject, because we have heard so much about it that I think it has become wearisome and oppressive to hear anything more upon the resolution itself.

The amendment of the Senator from Utah keeps intact section 4, paragraph 1, of Article I of the Constitution, which provides as follows:

The time, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

I think if it is possible to take a vote upon this resolution at this session it is necessary that all of us should absolutely understand the meaning and force and effect of these two amendments that I shall briefly refer to. The resolution reported by the committee provides:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years; and each

Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The Senator from Utah proposes to add to that:

But Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

In other words, the Senator from Utah takes the provision that is now in the Constitution with reference to the election of Representatives and attaches that provision to the election of Senators by the people. That is about as concisely as I can put the effect of his amendment. The way it reads in the Constitution now is this—

Mr. CARTER. Mr. President—

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Montana?

Mr. RAYNER. I do.

Mr. CARTER. Mr. President, I submit to the Senator from Maryland that his statement carries the impression that the Senator from Utah proposes an amendment to the Constitution.

Mr. RAYNER. No at all.

Mr. CARTER. It is then clearly understood by the Senator from Maryland, I presume, that the amendment of the Senator from Utah leaves the Constitution as it is?

Mr. RAYNER. Exactly, except that we are now providing for the election of Senators by the people and not for the election of Senators by the legislatures. When the Constitution gave the right to Congress to alter the regulations as to the election of Senators, it of course related to the election of Senators by the legislatures and not by the people. This proposition is an original proposition, the Senator from Utah attaching to it the proposition that is now in the Constitution, which relates only, as a matter of course, to the election of Senators by the legislatures of the various States.

Mr. CARTER. Mr. President, is it not the understanding of the Senator from Maryland that when Senators are elected by popular vote, just as Members of the House of Representatives are elected by popular vote, the same rule as to control by the Federal Government should obtain as to both?

Mr. RAYNER. Not at all, Mr. President. I object to the rule; and if the Senator from Montana asks me my own opinion, I will say that if I had my way I should like to take out of the Constitution the clause which gives Congress the right to change the regulations of the States even as to the election of Representatives. I am giving my own opinion now. If it could possibly be done, I would take out the clause which now gives Congress that power—I am coming to that in a moment—because it was under that clause that the bill known as the force bill was attempted to be passed here in the Senate, and I am opposed to it; but there it is and we can not change it, because we are not providing now for the election of Representatives, but we have a new proposition for the election of Senators. I am in favor of taking out the objectionable clause that is now in the Constitution in reference to the election of Representatives which gives Congress the right to change the regulations of the State in reference thereto, if it were possible to do so, but as it is I am opposed to applying it to the election of Senators.

Mr. SUTHERLAND. Mr. President—

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Utah?

Mr. RAYNER. I yield to the Senator. I would rather be interrupted and answer such questions as may be propounded.

Mr. SUTHERLAND. The Senator from Maryland has said on two or three occasions that it was under this provision of the Constitution that the force bill was attempted to be passed. The Senator, of course, knows that the force bill was not passed.

Mr. RAYNER. I know that.

Mr. SUTHERLAND. Does the Senator think that it is fair to condemn a constitutional provision because, under that constitutional provision, something which the Senator disapproves of was attempted to be done which never was done? Of course something improper might be attempted to be done under any provision of the Constitution.

Mr. RAYNER. There is a very easy answer to that question; but before I answer it I will say to the Senator from Utah that I am satisfied of the position of the Senator from Utah, and that is, the Senator from Utah intends to vote for this joint resolution, whether his amendment passes or not. He has so stated, and I know that when he makes a statement on this floor no one impugns the truth or the accuracy of any statement he may make. He is, therefore, in favor of the joint resolution whether his amendment passes or not.

Now, answering the question, it is the power to pass a bill of that sort that I am opposed to. If you give Congress the right to override the regulations of a State as to the manner of elect-

ing Senators, then you give Congress the power to pass a bill like the force bill or any bill substantially similar. I object to putting that power in the hands of the Federal Congress. It is not because the power was not exercised; it is because Congress may have the power. I am not willing to supply the power.

Mr. SUTHERLAND. May I interrupt the Senator to ask a question with reference to something which the Senator is passing from?

Mr. RAYNER. Yes.

Mr. SUTHERLAND. The Senator called attention to the fact that I have said that I would vote for this joint resolution whether my amendment carried or not. The Senator is correct about that. Let me ask the Senator in turn, will the Senator vote for this joint resolution if the amendment which I have proposed shall be adopted? In other words, which does the Senator consider the more important—the getting rid of the constitutional provision which gives Congress the supervisory power over elections or the substantive provision for the election of Senators by the direct vote of the people?

Mr. RAYNER. Mr. President, as earnestly as I am in favor of the election of Senators by direct vote of the people—and I have been advocating it for a period of 25 years, ever since I was a Member of the House of Representatives—I do not want to bind or pledge myself now about my course in the future. I do not think that I could vote for this joint resolution if the Senator's amendment were adopted. If I once satisfied myself that the word "manner"—I have been looking up the authorities and have a few of them here—that the right to change the manner of conducting elections gives Congress the right to control the election machinery of the State, I would not possibly vote for a resolution that carried an amendment of that sort. I will answer the Senator by saying that I shall unquestionably not vote for the joint resolution if the amendment of the Senator from New York [Mr. DEPEW] is adopted. That amendment goes a little further than the amendment of the Senator from Utah.

Mr. SUTHERLAND. Then, if I may interrupt the Senator further, the Senator thinks the vital part of this joint resolution is that which provides for the entire removal of the restraining hand of the Federal Government over the election of Senators and Representatives?

Mr. RAYNER. No, Mr. President, I do not think so at all. I think the vital part of this joint resolution is that providing for the election of Senators by the people, but I do not propose to have attached to that joint resolution an amendment that absolutely destroys its vitality and takes away its life.

Mr. CARTER. Mr. President—

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Montana?

Mr. RAYNER. Yes; I yield to the Senator.

Mr. CARTER. I again venture to submit to the Senator that his observation just made carries the impression that the amendment of the Senator from Utah is intended to inject into the Constitution some provision not abiding there at this time, when the fact is that the amendment of the Senator from Utah is intended to reduce this proposition to the single question of the election of Senators by the people and to prohibit the disturbance of any other part of the Constitution.

Mr. RAYNER. Now, Mr. President, I will explain that again, so that there can not be any mistake about either the position of the Senator from Montana or my position. Let me read the provision of the Constitution as it stands now. It reads in this way:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The amendment of the Senator from Utah leaves that absolutely intact; but, leaving it intact, it applies to an election of Senators by the people, whereas the Constitution applies to the election of Senators by the legislatures.

Mr. CARTER. Mr. President, this provision of the Constitution, as I understand, is identical in its application to both the election of Senators and Representatives, whether elected by the legislature or by popular vote, save and except as to the restrictions of congressional power in the matter of designating or having control over the places where Senators shall be elected.

Mr. RAYNER. Mr. President, in answer to the Senator from Montana I will say I have just read the provision. It is so plain that nobody can misunderstand it. The Senator from Utah has just copied it in his amendment. It applies to the election of Senators by the legislatures of the States; but, as a matter of course, it does not apply to the election of Senators by the people, because there can not be an election of Senators



by the people under the Constitution now, and as we are now submitting a joint resolution which provides for the election of Senators by the people we have reported the joint resolution with that clause out of it, so as to leave the right to control elections in the hands of the legislatures of the States. The joint resolution as reported reads in this way—it is perfectly plain what we have done:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

If I am not mistaken, it was a joint resolution, in the exact language of the one under discussion, that unanimously passed the House of Representatives. That is the joint resolution that we have taken, leaving out the provision giving Congress the right at any time to make or alter such regulations as the States may make.

As to the time and manner of holding elections, the Senator from Utah comes in and asks that an amendment in the language of the Constitution be added to the joint resolution that we have submitted. It is to that that I am objecting.

I have gladly yielded to interruptions, and I will gladly yield to any more. If any Senator desires to ask me a question, I shall be only too glad to answer, if I can.

Now, let me come to the amendment of the Senator from New York [Mr. DEPEW], because we must take both these amendments together. Here is the amendment of the Senator from New York:

The qualifications of citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result.

Of course that goes much further than the amendment of the Senator from Utah, and it goes much further than the force bill attempted to go, because the force bill attempted to draw its power from the Constitution. This draws the power away from the Constitution and takes away the right of suffrage that is resident in the States and transfers it to the Federal Congress, gives Congress the right to control not only the machinery of elections, but to control the right of suffrage in every State of the Union. In other words, it shatters the Constitution of the United States to fragments by depriving the States of the right to say who shall enjoy the right of suffrage. It would deprive a State of the right to pass an educational qualification. It would deprive a State of the right to pass a property qualification. It would take away the entire power of the State and transfer it to the Federal Government, so far as the suffrage and qualifications of its citizens are concerned. As it stands to-day, the States can do anything, provided there is no interference with the fourteenth and fifteenth amendments, or there is no discrimination on account of race, color, or previous condition of servitude.

Limited by that amendment, I apprehend that there is not anything that the State can not do with reference to the suffrages of its citizens. The Supreme Court has said so in an unbroken line of cases, from the case of *Minor v. Happersett*, from which I will not quote, but which I have in my hand, and which is found in *Twenty-first Wallace*, up to the case of *Williams v. Mississippi*. They have never yet said that suffrage rests in the Federal Government. They have never yet said that the right of suffrage is an immunity or a privilege under the fourteenth amendment. On the contrary, they have said the opposite. They held in this case, when they were contending for woman's suffrage, that a woman was a citizen, but that suffrage was not an immunity, and that while she had the right to enjoy the rights of citizenship, she did not have the right to vote under any provision of the Constitution of the United States, and the State, in denying her a vote, had a right to do so.

It was the Chief Justice of the United States who delivered the opinion in the case, and among other things he said:

The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case we need not determine what they are, but only whether suffrage is necessarily one of them.

It certainly is nowhere made so in express terms. The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by State voters. The Members of the House of Representatives are to be chosen by the people of the States, and the electors in each State must have the qualifications requisite for electors of the most numerous branch of the State legislature. Senators are to be chosen by the legislatures of the States, and necessarily the members of the legislature required to make the choice are elected by the voters of the State. Each State must appoint, in such manner as the legislature thereof may direct, the electors to elect the President and Vice President.

Then, when it speaks of this regulative power which the Senator from Utah desires to embody in the joint resolution, it says:

It is not necessary to inquire whether this power of supervision thus given to Congress is sufficient to authorize any interference with the State laws prescribing the qualifications of voters, for no such interference has ever been attempted. The power of the State in this particular is certainly supreme until Congress acts.

The fourteenth amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guaranty for the protection of such as he already had.

And then, in closing, the Chief Justice said:

Being unanimously of the opinion that the Constitution of the United States does not confer the right of suffrage upon anyone, and that the constitutions and laws of the several States which commit that important trust to men alone are not necessarily void, we affirm the judgment.

Now we come to the amendment of the Senator from Utah. What is meant by the word "manner?" Under the word "manner" you can provide for the conduct of elections. You can appoint your deputy marshals and supervisors and secret-service officers and Federal officials and certification boards. I am not quite sure that you could not appoint a registration board, but you could certainly appoint a certification board and take hold of the entire election machinery of the State.

It is for that reason, Mr. President, that I am opposed to it, and I am not prepared to say now whether I shall vote against the joint resolution if the amendment is adopted. My present inclination, if such an amendment to the joint resolution is adopted, would be, as much as I am anxious to vote for the passage of the joint resolution, to vote against its passage with such an amendment in it.

Now, Mr. President, a few words upon the proposition generally.

Mr. BROWN. Mr. President—

The PRESIDING OFFICER (Mr. DEPEW in the chair). Does the Senator from Maryland yield?

Mr. RAYNER. Yes.

Mr. BROWN. Before the Senator leaves that branch of his argument, this supervisory power of Congress against which the Senator complains is already in the Constitution. It is found in section 4, as I recollect, of Article I, as read by the Senator.

The proposition in the joint resolution is not only to change section 1, to take away from the legislature the power to elect a Senator and confer it on the people, but it goes further and contains an additional amendment to the Constitution, taking away from Congress the power of supervision. Those are two distinct propositions. The effort of the Senator from Utah is to confine the joint resolution to one proposition, namely, to allow the people to have an opportunity to elect their Senators.

I wish the Senator from Maryland would suggest why he objects to giving the Senate an opportunity to vote on a single proposition. Why not give the people of the United States the right to vote on a single amendment—the one that has been discussed, the one that has been demanded by the American people, and that is the right to elect their Senators, and why is it necessary in this joint resolution to submit two separate and distinct amendments?

I will say to the Senator, so far as I am concerned, I am willing to vote for his proposition and let it be referred to the States. Our adoption of the joint resolution does not amend the Constitution, and, without regard to the merits of his proposition, I am willing to vote for it by itself and thereby give the people an opportunity to put it in the Constitution if they want it there.

On the other hand, I think we ought to have a right to vote, and the people of this country ought to have a right to vote, on the single proposition of electing Senators by direct and popular vote, free from the burden of any other question. The report of the committee, in which my friend joined, presents a strong argument in support of that single proposition, namely, the right of the people of each State to elect their Senators. That is the only question.

Mr. RAYNER. I do not like to interrupt, but let me ask the Senator a question. The Senator wants the joint resolution carried to the people, does he not?

Mr. BROWN. Yes; indeed I do.

Mr. RAYNER. I know how you feel about it. Suppose the insertion of the amendment of the Senator from Utah defeats it; suppose every Southern State votes against the amendment that Congress can control their elections; what would the Senator say then? Suppose every Southern State is in favor of the joint resolution the way we reported it, and that every Southern State is against it the way the Senator from Utah proposes to amend it; does the Senator think he would be justified in insisting upon putting that amendment in the body of the joint resolution?

Mr. BROWN. The trouble with the Senator is that he assumes that we are insisting upon putting in the joint resolution two propositions. I am insisting on leaving the joint resolution with one proposition.

Mr. RAYNER. Then the Senator and I are in accord on our proposition.

Mr. BROWN. I am in accord with the proposition of leaving the Constitution, so far as this joint resolution goes, alone—

Mr. RAYNER. Oh!

Mr. BROWN. Except on the proposition of the election of Senators.

Mr. RAYNER. Then the Senator has not stated his position so that we can understand it. Then the Senator is in favor of two propositions and not of one proposition. The Senator is in favor of submitting the election of Senators to the people, and he is in favor of putting an amendment in the joint resolution providing that Congress shall control the regulations of the States—

Mr. BROWN. Oh, no.

Mr. RAYNER. Now, let me proceed.

Mr. BROWN. The Senator is mistaken.

Mr. RAYNER. I wish to proceed.

Mr. BROWN. The Senator has misstated, perhaps, my position. I am not seeking to put anything in the joint resolution.

Mr. RAYNER. No; but the Senator is in favor of this. Let me state plainly what the Senator is in favor of: The Senator is dealing with a new proposition—the election of Senators by the people. He is dealing with a proposition that the Constitution does not refer to, because the Constitution does not apply to the election of Senators by the people.

Now, the Senator is in favor of permitting the people to vote on the election of Senators, but he wants to put in the joint resolution a part of the Constitution that does not apply to the election of Senators by the people.

We are dealing with an entirely new proposition. The Constitution, in giving Congress the power to change the regulation of the States, refers to the election of Senators by the legislature. The Senator proposes to take a clause of the Constitution, which applies only to election of Senators by the legislature, and make that clause applicable to the election of Senators by the people. Therefore he is embodying two propositions, and we are embodying one proposition.

Mr. BROWN rose.

Mr. RAYNER. Mr. President, I ask leave to proceed with my argument.

Mr. BROWN. Of course, I will not stand in the way of the Senator.

Mr. RAYNER. The Senator may answer. I do not object. I will permit another interruption.

Mr. BROWN. The Senator, due either to my fault or his, utterly misunderstands my position. I propose to put nothing in the joint resolution except the proposition to give to the people of the State the right to elect by direct vote the Senators of that State. I want to confine it to that single proposition. That is the thing which has been demanded. That is the proposition the people ought to have a right to vote on, unencumbered by any of these other propositions. If it interrupts the Senator, I will not continue longer at this time.

Mr. RAYNER. Our joint resolution does that. I do not think the Senator has read our joint resolution. Our joint resolution provides that the people shall vote upon the proposition of the election of Senators by the people, and also upon the proposition that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. This last proposition is necessary, as we conceived it. That is our proposition, and that is the proposition upon which we are asking the people to vote. It embraces two propositions, it is true, but we had to do this to carry out our own conclusions.

Mr. President, I will proceed, and I will be through in a very few minutes, upon the general proposition.

There has been so much literature upon the subject of changing the election of Senators that I shall not burden the Senate with a rehearsal of or even a reference to it. It is sufficient for me to state upon this occasion that there is nothing in the proposition that, in my judgment, makes any radical change in the framework of our Constitution. There is nothing in the proposition that in the slightest degree affects the political sovereignty of the States as was contemplated by the men who framed the instrument. No one who is familiar with the proceedings of the Constitutional Convention could say that the mode and manner of electing Senators met with any serious discussion in that body. It was the equality of representation and not the manner in which Senators should be elected that

gave rise to the controversy in the convention. As stated in the report, Gouverneur Morris thought it desirable that men of great wealth should constitute the Senate so as to repress the spirit of democracy. Roger Sherman thought that the people should have as little to do about governing themselves as possible. The other extreme, represented by Mr. Wilson, of Pennsylvania, was that the Senate should be elected by the people as well as the House of Representatives. There was no discussion so far as I can find—and I have made diligent investigation—upon the subject in the State conventions, and neither Mr. Hamilton nor Mr. Madison in the Federalist gave any serious consideration to the proposition that is now before us.

Whatever may have taken place in the convention, Mr. President, over a hundred years have brought forth changes in conditions that it is unnecessary for me to enumerate and that at this moment imperatively demand of us that this proposition should be submitted to the people without any entanglements or complications that might tend to imperil and perhaps defeat it. The people have for years and years insisted upon it that this amendment should be submitted to them. With me it is not a new proposition, because for nearly 25 years, ever since I was a Member of the House of Representatives, I have insistently, in season and out of season, advocated the right of the people to determine this subject. I have made so many arguments in favor of it, and every Senator here is so thoroughly familiar with it, that it would be wearisome and oppressive for anyone to recapitulate either its history or its political environment. It is evident to me that every Member of this Senate has come to the conclusion as to how he will cast his vote, and what I have arisen for to-day mainly is to admonish those who are in favor of it not to load it down with propositions that mean its death; not to take away from the States rights that they will never surrender if it can be avoided, and not to give at any time a partisan Congress the power to control the machinery of election as against the will of sovereign Commonwealths, from whom the right of suffrage has never yet been indirectly taken, except as the same may be affected by the fourteenth and fifteenth amendments, and who will peaceably contest to the last degree this inalienable constitutional privilege. I therefore call upon the Senate to vote these amendments down, because they are in deadly conflict with the spirit of the resolution.

The most formidable speech, perhaps, that was ever made in this body against submitting this question to the people was the one made by Senator Hoar, of Massachusetts. I want briefly just to refer to some of the objections that he urged, merely to show that most of them are now impractical and obsolete, and therefore do not apply to the present situation.

Now, let us look at some of these objections, as you can not add anything to what he said against this proposition. One of the objections pressed by the Senator was that—

Such a method of election would essentially change the character of the Senate as conceived by the convention that framed the Constitution and the people who adopted it.

I am very sorry that I can not acquiesce in this statement. I do not think that an election by the people will change the character of the Senate. The Members of the House of Representatives are elected by the people, and, in my judgment, there is no parliamentary assemblage in the world that compares with it, both as to character and ability.

The next objection that he made was this:

It would transfer practically the selection of the Members of this body from the legislatures, who are intrusted with all legislative powers of the States, to bodies having no other responsibilities, whose election can not be regulated by law, whose members act by proxy, whose tenure of office is for a single day, whose votes and proceedings are not recorded, who act under no personal responsibility, whose mistakes ordinarily can only be corrected by the choice of Senators who do not represent the opinions concerning public measures and policies of the people who choose them.

I answer that by saying that in a great many of the States now Senators are nominated at primary elections, and I believe the time will come when every State will adopt this system.

That is all being changed. Senators are now being nominated in a great many places under primary election laws. Even if conventions of different parties should nominate the Senators, what is the difference between nominating a Senator by a convention and nominating him by a caucus? I am opposed to both the convention and caucus. I want to get away as far as possible from conventions and caucuses and put the power where it belongs, where it ought to have been put, where it would have been put if the question had occurred a little later—primarily in the people of the United States. Senator Hoar then stated:

It will create new temptations to fraud, corruption, and other illegal practices.



I do not believe, with corrupt-practice acts in operation, that it will create any temptations to fraud, corruption, or other illegal practices.

How? How will there be any temptations to fraud, corruption, or other illegal practices, especially in the States where they have corrupt-practice laws? Here is a proposition that I have never been able to understand. Senator Hoar said:

It will absolve the larger States from the constitutional obligation which secures the equal representation of all the States in the Senate by providing that no State shall be deprived of that equality without its consent.

I can not see how it can possibly have this effect. This constitutional provision is not subject to amendment without the consent of the State that is affected, and it is therefore impossible for me to comprehend how the larger States can be absolved from a constitutional obligation which obligation is unamendable by the terms of the Constitution itself.

I ask Senators who are opposing the joint resolution, How will this proposition disturb the equality of the States? You can not disturb that equality, Mr. President, without the consent of the State itself. The Constitution provides that that equality can not be interfered with unless the States consent. If every State in the Union except the nonassenting State were to favor an amendment giving the larger States a greater representation in this body than the smaller States, it would be void, because the Constitution says it requires the acquiescence of the State whose representation is to be changed.

I have always thought that Senator Hoar made a mistake upon that subject inadvertently. I think, of course, that he was entirely and thoroughly familiar with it, but let us look at it for a moment and see what we can amend. Speaking of amendments, the Constitution provides:

*Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article—

We have nothing to do with that—

and that no State, without its consent, shall be deprived of its equal right of suffrage in the Senate.

Leaving out the first clause, the only clause in the Constitution that you can not amend except with the actual consent of the State that is affected is the equality of representation, how will the proposition of leaving the election to a popular vote tend to change a provision in the Constitution which you can not amend except by the consent of the State that is to be deprived of its equal suffrage?

Then the Senator states:

The convention concluded that every act of the legislature was to be twice considered and have the approbation of two different, separate houses.

Has it not the approbation of two different, separate Houses? Whether those separate Houses are elected differently or elected the same way, how does it interfere with the approbation of two Houses to have both elections by the people?

Then the Senator says:

These two houses were to have a different constituency. So every proposed law must run the gantlet of two diverse interests and be judged from at least two points of view. Every State in the construction of its legislature has maintained these two principles.

Is not that a mistake, Mr. President? Because in every State, as I understand it, the senate and the house of delegates are elected by the same constituency and not by different constituencies.

The two legislative bodies of a State have not each a separate constituency that I know of.

I do not know how it is in any other State, but certainly in my State the house of delegates has the same constituency the senate has. In my State we call the body the general assembly; we do not call the body the legislature; and we pass our laws, "Be it enacted by the general assembly." The general assembly consists of the house of delegates and the senate. I apprehend in all the States the same constituency elects the members of the senate that elects the members of the lower house of the legislature.

Then the Senator says:

The Senate was to represent deliberation in the expression of the popular will by the length of the term of office of Senators.

We are not doing anything here to affect the term of the office of the Senators.

Then the Senator includes the learned and masterly presentation of his objections by saying I do not believe in the "brutal force of numbers."

I want to give his exact language, because I am one who believes in the force of numbers. I have his speech in full here. This is his language on the subject:

I quite agree with the Senator from Oregon that the principle of this change will lead to the choice of the President, the choice of the Senators, and in the end to the choice of the judges by the mere brutal

force of numbers. I do not agree with him in thinking such a change is desired by the American people. When it shall be accomplished, the American Constitution is gone.

I would answer that by saying that when this change is accomplished the American Constitution shall live with greater strength and more vitality than it ever had before.

The Earl of Roscommon once said that the multitude is always in the wrong. It seems to me that in reading this great argument of this lamented Senator that there were some distinguished persons in this Republic who had reached the same conclusion. I think that the intelligent and patriotic multitude is generally in the right.

I want it understood that I have the greatest respect not only for the opinion of this Senator but for the opinion of Senators here who are opposed to this resolution, but I believe that the opportunity will come to them to express their opposition when the amendment is submitted to the legislatures of the States they represent.

While I am opposed to amending the Constitution, except when the public sentiment of the country demands it, and while I am not for a moment lead away in the slightest degree by popular passion or clamor, this great reform, in my opinion, must no longer be thwarted or impeded. Reading every utterance of the convention that framed the Constitution, so far as the same has been recorded, I never can acquiesce in the doctrine that a Senator represents his State in a political capacity in any greater degree than he does the people of the State that he represents. What does a State consist of except the people who compose it? I deny that there is anything in the structure of our institutions that gives countenance to such a doctrine. I deny that any argument was made in the convention relating to the equality of representation that affects the subject that is now before us.

A great Senator upon this floor, speaking against a similar resolution, once said the question was *res adjudicata* in the Constitution. With the greatest respect for his memory, I deny that anything could possibly be *res adjudicata* in the Constitution that is subject to amendment.

The provision that no State shall be deprived of its equal suffrage in the Senate can not be amended without the consent of the State. If the election by the legislature was deemed by the convention to have been of such great significance, why did not the convention make that clause of the Constitution unamendable without the consent of the State? The equality of representation was made unamendable because with jealous vigilance the men who framed the Constitution intended to protect the sovereign rights of sovereign States, and therefore they planted this clause in the body of the instrument indelible, perhaps, to all eternity. When they did this, however, they left the article that we are now discussing subject to amendment. Had they failed to make the Constitution subject to amendment, perhaps it could not have been amended at all, except at the risk of revolution. There is a revolution on hand now, Mr. President. It is a peaceful revolution. It is a revolution of the majority of the American people against the political domination of the minority.

I shall, if circumstances permit, in a few weeks, with the kind permission of the Senate, briefly dwell upon this subject in some remarks that I shall make, the text of which will be the rule of the American people. In my judgment, the people are scarcely ever wrong when their intelligence dictates and their patriotism inspires their actions; and it is this motive power that is propelling forward this great reform. And when the people have made up their minds to attain an object of this sort, they generally succeed and triumph.

I am earnestly and sincerely for the amendment, and I shall advocate it with all my strength before the people of my State. If I was against the amendment, however, I would still be for the resolution. If I was unalterably and irrevocably opposed to the amendment, I would nevertheless advocate the passage of the resolution. Why? Because I do not think that we have the right here to array ourselves against the public opinion of the country and defy the people by declining to submit the proposition to them.

No one respects the organic law of the land more than I do. No one is more anxious than I am to see the Constitution in its cardinal obligations kept inviolate and intact, and no one cherishes more deeply than I do the memory of those master minds who conceived and guided the mighty work of the majestic forum that framed this the greatest of all political charters that have ever been delivered to the human race. I am here, however, as the servant and not the master of the people, and as the voice of 30 Commonwealths comes ringing into this council chamber from every section of this land, appealing for the submission of this proposition, and as one electorate after another, with resolute and determined purpose, has besieged this Capitol, and not in haste, but with thoughtful and mature

deliberation, has petitioned for redress, I will not, and I dare not, Mr. President, stand here for a moment in denial of their constitutional prerogative and in arrogant challenge of the people's rights.

Mr. SUTHERLAND. Mr. President, with very much that the Senator from Maryland has said I entirely agree. I agree with him that the time has come when the Congress of the United States should submit to the people of the United States the question whether they will hereafter elect their senators by the direct vote of the people or maintain the present method. The Senator has discussed with wisdom that phase of the joint resolution, and the marvel to me is how he can be so right about the main question involved and so utterly wrong about the incidental proposition connected with it. The amendment which I have offered, and which the Senator seeks to couple with the amendment offered by the Senator from New York [Mr. DEPEW], simply leaves the constitutional provision with reference to the supervisory power of Congress intact; it does not seek in that respect to amend the Constitution in any way.

It is true, as the Senator from Maryland says, that under the Constitution the method of electing Senators now is by a vote of the legislatures of the various States. But it is perfectly apparent upon a reading of the Constitution that it was the intention of the framers of the Constitution that the supervisory power of Congress should attach to the election, whether it was by the legislatures of the States or by the people direct, and when the Senator from Maryland undertakes to make a distinction between the case of the election of a Representative and the case of the election of a Senator he simply sticks in the bark, and he does not get very far into the bark either, much less into the heart of the tree itself.

The Constitution provides that Congress shall have the power to make or alter the regulations with reference to the election of Representatives or the election of Senators. Representatives are elected by the vote of the people; Senators are elected by the vote of the legislatures. This provision applies to both. So it is perfectly apparent that in making that provision the thought which the framers of the Constitution had in mind was to give Congress the supervisory power over the elections, whether they were by the people voting directly or by the legislatures.

Now, if we amend the Constitution so as to provide for the election of Senators by a vote of the people, we do not have to change the language of the clause of the Constitution under consideration one particle; it operates by its own force at once, however we may change the method of the election.

If we do not adopt my amendment, then we shall have in the Constitution hereafter two separate and, in some respects, antagonistic provisions. There will be a provision in the Constitution giving the Congress full supervisory power over the election of Representatives by the people and absolutely removing the supervisory hand of the Federal Government over the election of Senators by that same people. What reason is there for making that distinction? Why should we permit Congress to supervise the election of Representatives by the people and decline to give Congress the power to supervise the election of Senators by the people?

I think, moreover, that we who are in favor of this main proposition of reforming the method of electing Senators ought to hesitate before we load the proposition with something which may result in its defeat. We will go to the various legislatures of the States, if my amendment is not adopted, not with a single proposition, but with two propositions—first, the proposition that we shall elect Senators by the vote of the people, and, second, that the Federal Government shall have absolutely no power, no authority, over the time, place, or manner of the election of those Senators.

Mr. BACON. Mr. President—

Mr. SUTHERLAND. In just a moment. It may happen that there will be legislatures which will be heartily in favor of the proposition of electing Senators by a direct vote of the people, but which will be very much opposed to taking the supervising hand of the Federal Government entirely away from such elections; and it may well be that in such legislatures this amendment will fail, not because they are not in favor of the election of Senators by the vote of the people, but because they are opposed to removing the supervising hand of the Federal Government over such elections. I will yield to the Senator from Georgia.

Mr. BACON. Mr. President, I do not ask the Senator in any controversial spirit, but in order to get his view, how far, in case this amendment is adopted, he thinks the power of supervision will extend.

Mr. SUTHERLAND. The power of supervision will extend precisely as it extends now under the language of the Constitu-

tion. It does not add a single syllable to the Constitution and does not in any manner extend the power of Congress.

Mr. BACON. I suggest to the Senator that possibly he is not entirely correct in that statement. The representative branch of the Government is representative, you might say, of the Nation in one sense, in that it is in proportion to population and the representation differs in different States.

It is intended that it shall be a representation of the entire people of the United States, not simply of any particular State, whereas whatever may be the method of the election of a Senator, he is intended to be the representative of a State. Therefore there may be a very distinct reason why the Government should have the power of supervision over the election of that which is a national representation and not have the power of supervision over that which is distinctively intended as a State representation. It is with that view I wish to ask the Senator to define, as far as he can, the extent of that power of supervision, assuming that it will be the same right of supervision as in that of the election of Members of the House of Representatives. If the right of supervision should be adopted and recognized as the same which now, in the Senator's opinion, exists in the control of the election of Members of the House, how far, in the opinion of the Senator, will the right of supervision extend if we adopt this amendment to the joint resolution?

I think it is important, Mr. President. If the Senator will pardon me, we are engaged in a most grave and responsible duty at the present time—the amendment of the fundamental law of the land. Therefore it is important that those of us who hesitate in agreeing with the Senator in his conclusions should have a full statement from him and from those who agree with him as to what is their understanding of the height and depth and breadth and length, if I may vary it, of this amendment in its effect. What will be the power of the Government in the control of the election of Senators by the people if the amendment is adopted? It is not sufficient to answer me—that is, it is not sufficient for my enlightenment, at least, though it might be otherwise with others—that it would be the same as it is now. I want to know what the Senator thinks it will be, if adopted in its detail.

Mr. SUTHERLAND. Mr. President, I do not see how I can answer the Senator from Georgia any better than I have answered him, namely, that the power of Congress will remain as it now is; that it will have precisely the same power over the election of Senators which it now has over the election of Representatives. It may pass laws fixing the time—a uniform time—in the United States as it has done; it may pass laws regulating the manner as it has done. We have a law that I shall call attention to in a moment in another connection, which provides that in all elections for Members of the House of Representatives the voting shall be by ballot, written or printed, or, by a later enactment, by voting machines. That is an illustration of the power of Congress to regulate the manner, and Congress would have the same power in that respect as to senatorial elections.

Mr. BACON. Will the Senator pardon me a moment?

Mr. SUTHERLAND. Just allow me a moment further. I can not understand how the adoption of this amendment would in any manner affect the relation which a Senator bears to the Senate of the United States or to the Government of the United States. If the Senator is entirely correct in saying that a Senator represents his State while the Representative does not, he will continue under this amendment to represent the State. Because Congress may have a supervisory power over the time and manner of his election, that will not alter his relation in that respect. He will still remain an ambassador of his State if that is his relation now; but the Senator is also a Senator of the United States. It is necessary to the perpetuity of this Government that this branch of Congress shall persist; and it seems to me an anomaly that a Government whose very existence under the Constitution depends upon the maintenance of this branch of Congress should have absolutely no power to pass laws respecting the time or place or manner of the election of its members.

Mr. BACON. Very well. Now, if the Senator will pardon me a moment, I want to suggest a thought to him. Under the present law, our present constitutional provision, Congress has no supervision over the original elections, or the elections by the people which lead subsequently to the election of Senators, because those elections are distinctly the State elections in the election of members of the legislatures of the several States. The constitutional provision is that the States shall, as to that fundamental proceeding in the election of the electors of Senators, have the absolute control of it in providing that they shall control, outside of the fourteenth and fifteenth amendments, the question of who shall be the voters, and thus who shall be



the electors of legislators who are themselves the electors of Senators; in other words, there is no governmental supervision now of those original fundamental elections which choose the legislators who afterwards elect the Senators.

But passing from that, I want to ask the Senator from Utah the question, if, in his opinion, this amendment should be adopted, would it be within the province of the Federal Government to prescribe that the Federal Government should have agents at elections to supervise those elections at which Senators would be chosen, to see the manner in which the votes were cast and to enforce what might be thought to be the rights of electors in such elections?

Mr. SUTHERLAND. I have no doubt, Mr. President, that that would be within the authority of Congress if it chose to exercise the power.

Mr. BACON. Yes. The Senator from Utah will remember that that was, speaking generally, the general contemplation of what was known as the force bill, which related to the election of Members of the other House. I understand the Senator, then, to say, in his opinion, if his amendment were adopted, it would be within the province and power of Congress to enact similar regulations with reference to the election of Senators as the force bill attempted to enact with reference to the election of Members of the House of Representatives.

Mr. SUTHERLAND. But, Mr. President, the fact that a power vested in Congress—

Mr. BACON. No—

Mr. SUTHERLAND. Let me answer the question of the Senator in my own way. The fact that a power given Congress may be the subject of abuse is no argument whatever against the propriety of granting the power. Any power may be abused.

Mr. BACON. What is an abuse, you understand, might be a question upon which people would very greatly differ. The question that I desire to ask the Senator is not whether or not it would be done, but whether or not it could be done under the amendment proposed by the Senator. Would it not be within the power of the Federal Government to station agents in every State to supervise elections of Senators and to determine the manner in which they were carried on?

Mr. SUTHERLAND. Mr. President, the Congress would have precisely the same power over that which it now has over the election of Representatives.

Mr. BACON. But, Mr. President, I am sure the Senator from Utah will not evade a direct answer.

Mr. SUTHERLAND. Will the Senator pardon me a moment? I am not going to undertake to tell the Senator whether or not, in my opinion, every provision of the so-called force bill was valid, because I have not those various provisions in mind. I think Congress, under this language, would have the power if it chose to exert it to provide for the supervision of the election of Representatives and Senators of the United States, and that whatever may be included within that word "supervision" Congress would have the power to do.

Mr. BACON. Then the Senator will not object to answering the question which I proposed to him—of course, I will not press it if he objects—whether, in the opinion of the Senator, with the adoption of this amendment, it would be within the power of Congress to enact a law which would enable the Federal Government to station agents at every poll, whenever a Senator was elected, to supervise the election. Does the Senator think it would or would not?

Mr. SUTHERLAND. I think Congress would have that power, Mr. President.

Mr. BACON. Exactly. Now, Mr. President, if the Senator from Utah will pardon me just a moment—

Mr. SUTHERLAND. Let me finish my answer.

Mr. BACON. I beg the Senator's pardon.

Mr. SUTHERLAND. I think Congress would have that power, Mr. President, but that does not frighten me. Congress has possessed that power for nearly 125 years, and it has never exercised it, in my judgment, in a way that was not justified by the circumstances which existed at the time the particular laws have been passed. We have passed laws providing for the supervision of elections, but they were passed at a time when it was absolutely necessary that they should be, and when the occasion for them had gone those laws were repealed.

Mr. BACON. Now, Mr. President, I just simply, without unduly interrupting the Senator, with his permission, desire to reply to a suggestion made by him, that a law would not be passed even if the power were given. I wish simply to call attention to the fact that the particular law referred to was passed by the House of Representatives; that it came to this body, and that if a vote at any time had been taken upon it, it would have passed this body. It was only after a long debate,

when, as I have heard the former Senator from Massachusetts, Mr. Hoar, state upon this floor, after weeks of debate some few of the majority became satisfied of the impolicy of it that by one vote it was permitted to be taken from the consideration of the Senate. It never was defeated in the Senate.

But, Mr. President, I do not, as I say, desire now to unduly interrupt the Senator from Utah; but I did desire that the author of this amendment should distinctly state, in order that we might all know the effect of this amendment if adopted, that, in his opinion—and it can not be doubted that his opinion is correct in that regard—it will authorize the enactment of a law which will station at every poll in the United States when a Senator is to be elected an agent of the United States to supervise and control that election.

Mr. SUTHERLAND. Mr. President, in 1870—

Mr. RAYNER. May I ask the Senator a question? He interrupted me several times.

Mr. SUTHERLAND. I shall be glad if the Senator will be brief.

Mr. RAYNER. Just one question. I will make it very short. Was not such a law in existence until lately, and were not supervisors appointed and deputy marshals stationed at every polling place where Members of the House of Representatives were elected?

Mr. SUTHERLAND. Yes; Mr. President, such a law as that was passed and was in force in the United States for a good many years, and it was only repealed about 1894. Let me call the attention of the Senator from Maryland and the Senator from Georgia to some of the circumstances which made it, in my judgment, not only necessary, but which imposed upon Congress the solemn duty of passing just such a law as that. I hold in my hand a report made to the House of Representatives, calling attention to the conditions surrounding the elections in the State of New York. There are other reports with reference to conditions in other States. The report was filed by Mr. Lawrence in 1870, as I recall. Here is the language of that report:

But appalling and startling as these have been in our past history, they are all surpassed in some respects by those perpetrated in the general election in the State, and especially in the city of New York, on the 3d of November, 1868. These frauds were the result of a systematic plan of gigantic proportion, stealthily arranged and boldly executed, not merely by bands of degraded desperadoes, but with the direct sanction, approval, or aid of many prominent officials or citizens of New York, with the shrewdly concealed connivance of others, and almost without an effort to discourage or prevent them by any of those in whose interests and political party associations they were successfully executed, who could not fail to have cognizance of them, and whose duty it was to expose, defeat, and punish them.

And further on in the report this is said:

These frauds were so varied in character that they comprehended every known crime against the elective franchise. They corrupted the administration of justice, degraded the judiciary, defeated the execution of the laws, subverted for the time being in New York State the essential principles of popular government; robbed the people of that great State of their rightful choice of electors of President and Vice President, of a governor, and other officers; disgraced the most prosperous city of the Union; encouraged the enemies of republican government here and elsewhere to deride our institutions as a failure, and endangered the peace of the Republic by an attempt to defeat the will of the people in the choice of their rulers.

And it is to such halcyon conditions as those that the Senator from Maryland and the Senator from Georgia desire to return.

Mr. RAYNER. I should like to ask the Senator whether deputy marshals and supervisors were not appointed in every State in the Union, not only in New York but in other States, where it was never contended for a moment that they were needed.

Mr. SUTHERLAND. I think not.

Mr. RAYNER. I think I saw them by the hundred in my own State and in the Southern States, too, when there was no necessity for them, at the election of Representatives.

Mr. SUTHERLAND. They may have been in the Senator's State and in other States.

Mr. RAYNER. They were.

Mr. SUTHERLAND. But I undertake to say that they were not placed where they were not needed.

Mr. RAYNER. Why did this continue for nearly 30 years after this condition of affairs took place? I think it has been only in the last seven or eight years that that statute was repealed.

Mr. SUTHERLAND. It was repealed in 1894.

Mr. RAYNER. Up to that time hundreds of deputy marshals were appointed for duty at polling places, and supervisors were also appointed.

Mr. SUTHERLAND. I will answer the Senator in the language of another report in my hand, made some years later. This report was made to Congress with reference to conditions existing in the same localities, in the cities of New York, Philadelphia, Baltimore, and others. After this law had been in op-

eration for some years another report was made by the Hon. S. S. Cox, a party colleague of the Senator from Maryland. He says:

The committee would commend to other portions of the country and to other cities this remarkable system, developed through the agency of both local and Federal authorities acting in harmony for an honest purpose.

Thus was the system which provided for these supervisors commended by that great Democrat.

In no portion of the world, and in no era of time where there has been an expression of the popular will through the forms of law, has there ever been a more complete and thorough illustration of republican institutions.

This is not my language. It is the language of that eminent Democrat.

Whatever may have been the previous habit or conduct of elections in those cities, or howsoever they may conduct themselves in the future, this election of 1876 will stand as a monument of what good faith, honest endeavor, legal forms, and just authority may do for the protection of the electoral franchise.

From the moment the supervisors were appointed, from the moment that the lists are purged, from the moment that the applications are examined, to the very last return of the popular expression, this election shows the calm mastery of prudence.

That is the comment upon those very laws which the Senator from Maryland objects to, and that was the condition which existed in those various cities after this law had been in operation for a few years.

Mr. BACON. Now, Mr. President, with the permission of the Senator, of course I recognize the fact that there are different views upon the question as to what is the best remedy when these disgraceful conditions exist. There are some of us who think that our system of government necessarily is based upon the fact that the States are competent for the correction of evils of this kind within their borders. There are others who think that this power should be exercised by the General Government. I do not hesitate to state what my own personal view is, but I desire to ask the Senator, in that connection, when a condition such as was disclosed in the first report from which he read is found to exist in any State, is it the opinion of the Senator that it is better that the State should be left to correct the disorders and corruptions, if you please, within its borders, or does the Senator think that the General Government should undertake those things, and that to the General Government we must look for the preservation of the purity of the ballot?

Mr. SUTHERLAND. Mr. President, it depends upon how extensive that condition may be. If it is a mere passing condition, in which the States officials are in no manner concerned and with which the State government is undertaking to cope, I should say that the Federal Government ought not to interfere; but when it becomes widespread, as it was at that time, according to this report, then I think it would be high time that the Federal Government should interfere.

Mr. BACON. The Senator means widespread within the State?

Mr. SUTHERLAND. Widespread within the State.

Mr. BACON. Yes.

Mr. SUTHERLAND. And where it had become evident that the State was not going to correct the evil, where it had been permitted to persist for such a length of time that that became apparent.

Mr. BACON. Then, of course, the General Government must be the judge of when that condition exists.

Mr. SUTHERLAND. Certainly.

Mr. BACON. Therefore, I understand the Senator's proposition to be that whenever, in the opinion of the General Government, those disorders and improprieties, if I may use a mild term, exist in the State, whenever in the opinion of the General Government they do exist to an extent to justify its interference, the General Government should interfere; and the purpose of this amendment is to fix it so that the Government can interfere and take absolute control through its supervising agents of the election of Senators in the States.

Mr. SUTHERLAND. No, Mr. President, it is not the purpose of this amendment to "fix" it so that the General Government may do it, but it is to leave it where it is.

Mr. BACON. Oh, no; there is now no such law in reference to the election of Senators.

Mr. SUTHERLAND. Well, Mr. President, I have said all I can say upon that phase of the matter.

Mr. BACON. That is the law as to Representatives.

Mr. SUTHERLAND. If we leave the Constitution alone in that respect, that is all I ask. If the Senator is correct about it, then the provision so far as it relates to the election of Senators will be repealed ipso facto by the change in the method of their election.

Mr. BACON. I wish to say to the Senator, with his permission, in order that what I have said may not be misunder-

stood, that I shall vote for the joint resolution as it came from the committee to the Senate, and I desire to say to him, further, that whether the joint resolution is adopted or not, whether this amendment is engrafted upon the Constitution or not, we have in my State now practically the election of Senators by the people and will continue so to have.

I have myself been elected three times to the Senate, and twice I was practically elected by a vote of the people without even knowing who was going to be in the legislature, and the legislature had nothing to do except to formally ratify what was the general vote of the people; and that will continue to be the case in my State and in a number of others, whether the joint resolution is adopted or not.

Mr. SUTHERLAND. I think the Senator from Georgia would have remained in the Senate no matter what the manner of election was. I think his State would have had the good sense to keep him here, whether by a vote of the people or by the vote of the legislature. The Senator has no fear upon that score, I think.

Mr. BACON. I would be very glad if the Senator would concede that what I have contended for to-day is the best evidence of the correctness of his conclusion. [Laughter.]

Mr. SUTHERLAND. I have gone to the limit of my concessions in that direction.

Mr. President, I think it is vital that the Government of the United States should possess this supervisory power over the election of Senators and Representatives. I am of the opinion that it is a power which ought to be exercised sparingly. It ought to be exercised only when the conditions are such that it is necessary to preserve either the uniformity or the purity of the election, and I undertake to say that so long as the Congress of the United States is made up of the citizens of the various States, Congress will not interfere except in cases where its interference is of vital necessity.

Mr. BORAH. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. Yes.

Mr. BORAH. So far as the question of place is concerned, that is now exclusively in the hands of the States.

Mr. SUTHERLAND. Yes.

Mr. BORAH. So far as the question of time is concerned, I presume it will be agreed that it would be unfortunate to have a power which would fix a time for the senatorial election other than the time for the general election in the State. The matter then resolves itself into the question of the value of the word "manner."

Do I understand that the Senator from Utah contends that the word "manner" permits us, in case of a popular election, to go into the respective States and control the election with reference to United States Senators?

Mr. SUTHERLAND. The Constitution permits us to regulate, to supervise, the election of Senators as well as of Representatives. The Constitution does that now.

Mr. BORAH. To what extent, under the word "manner," could we go in controlling the election with reference to fixing the ballot or with reference to seeing to the purity of the election, et cetera?

Mr. SUTHERLAND. We have passed a law, to which I called attention a moment ago, which requires that all ballots shall be printed or written.

Prior to that time, as the Senator well knows, there were States—I think many years ago there were States—which followed the English system of permitting the vote to be cast viva voce. It is the general law of Congress which now makes it impossible to have that manner of voting in any of the States.

Mr. BORAH. Does the Senator from Utah think that under the word "manner" we could provide that a party voting for a United States Senator should write on the ballot the name of the party for whom he desired to vote, and that unless he could write the name he could not vote?

Mr. SUTHERLAND. Yes. We might have the power to do that, but probably it is a power which would never be exercised. We would provide the reasonable thing—that he should mark the name already printed on the ballot—if we were to provide anything at all on that subject.

Mr. BORAH. I should like to ask the Senator one more question, and then I am through. What benefit has the Government ever derived from the provision of the Constitution which he seeks to restore, or, rather, which he seeks to put in by way of amendment?

Mr. SUTHERLAND. The Senator evidently did not listen to the two reports which I read.



Mr. BORAH. Yes; I did listen to them and I had read them before, but I am not misled by those reports, because I have read the history of those times, aside from those reports, and I know that the correcting influence was not confined to the influence described in those reports. The correcting influence came from where it must come from, and that is from the aroused conscience and feeling of the people within the respective States, and without it it would have been of very little benefit.

Mr. SUTHERLAND. These conditions persisted in the States with the connivance not only of many of the people but the connivance of some of the State officials themselves. No attempt was made to provide a remedy on the part of the State, and it required the interposition of the Federal Government before those conditions were remedied. That is made clear from the history of this legislation and from these various reports.

Mr. BORAH. Do I understand the Senator to contend that after the enactment of the Federal statute these evils all disappeared?

Mr. SUTHERLAND. Oh, Mr. President, a statute does not have the result of stopping all evil. It has the result of very much improving conditions, and that is what it did in this case. But it has the effect, whenever a man commits a crime, of putting him in jail for it and of putting him in a position where he can not repeat the offense for a time, at least.

Mr. BORAH. My opinion is that if the Senator will look outside of the report and into the actual history of the times that had to go with those matters, he will find that very little was effected by those statutes and that very little virtue has ever been derived from any of those statutes with reference to fixing the time, place, and manner of controlling elections.

Mr. SUTHERLAND. On the contrary, I think a vast deal of good resulted from the passage of those statutes. I think it might have been many years longer before these conditions would have been remedied if it had not been for the passage of the congressional law and the active interposition of the Federal Government.

Now, Mr. President, I want to conclude my statement upon this matter, and in conclusion I call attention to a decision of the Supreme Court of the United States, which puts in language very much better than I could command the necessity and the importance of this provision of the Constitution. I read from *ex parte Yarborough*, in the One hundred and tenth United States Reports, a decision rendered by Mr. Justice Miller. Speaking of this very provision which gives Congress supervisory power over elections that judge says:

That a Government whose essential character is republican, whose executive head and legislative body are both elective, whose most numerous and powerful branch of the legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud, is a proposition so startling as to arrest attention and demand the gravest consideration.

And I call Senators' particular attention to this language:

If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.

If it has not this power, it is left helpless before the two great natural and historical enemies of all republics—open violence and insidious corruption.

And then at the conclusion of the case the Justice says, and I ask Senators to mark this language:

It is as essential to the successful working of this Government that the great organisms of its executive and legislative branches should be the free choice of the people as that the original form of it should be so. In absolute Governments, where the monarch is the source of all power, it is still held to be important that the exercise of that power shall be free from the influence of extraneous violence and internal corruption.

In a republican Government, like ours, where political power is reposed in Representatives of the entire body of the people, chosen at short intervals by popular elections, the temptations to control these elections by violence and by corruption is a constant source of danger.

And then, omitting a portion, I read the concluding paragraph:

If the Government of the United States has within its constitutional domain no authority to provide against these evils, if the very sources of power may be poisoned by corruption or controlled by violence and outrage, without legal restraint, then, indeed, is the country in danger, and its best powers, its highest purposes, the hopes which it inspires, and the love which enshrines it, are at the mercy of the combinations of those who respect no right but brute force, on the one hand, and unprincipled corruptionists, on the other.

Mr. BACON. If the Senator before he takes his seat will permit me, I desire to say, as a part of this discussion, that there are certain units in government and in communities upon which the integrity of the whole must necessarily depend. The same argument could be used as to the right of a State to

interfere, to go into every household and correct improprieties and immoralities which are found there as is used in the contention that the General Government should go into the States for the correction of wrongs found there.

I think that whenever a State is made up of families which are in themselves so vile that they can not maintain their own virtue and their own integrity and their own honesty, then the State itself must be a failure. And, in my opinion, whenever the General Government is made up of States which are in themselves unable to control their own institutions, in themselves unable to support and promote and maintain the virtue and the intelligence and the integrity of their people, the General Government will be a failure.

I think the fundamental proposition of this Government is not only in the integrity of the States, but in the right and power of the States to guard their own institutions, and that in guarding the institutions of the States the general institutions of the Government will be best guarded.

Mr. SUTHERLAND. Mr. President, I will go as far as the Senator from Georgia; I will go as far as he who will go farthest in standing for the integrity of the various States of this Union. In matters which concern the States alone I think the Federal Government should keep its hands off. But the Senator, in my judgment, misses the vital point of this whole matter, and that is that it is a question which does not concern the States alone, but it is a question which concerns the National Government as well as the States, and concerns the National Government in a most vital particular.

The National Government owes its very existence to the perpetuation of the House of Representatives and the Senate of the United States, and in that aspect, it seems to me, it would be a strange condition of affairs if the National Government should be deprived of all power under any and all circumstances to exercise the slightest kind of control over the election of officials upon whose election, and whose continued election, the very existence of Government itself depends.

Mr. BACON. Mr. President, the Senator from Utah says that he is in favor of leaving to the States the control of all those things which concern only the States, but that there are functions performed by the States which concern the Government at large. The same argument might be used as to the family, the units of which make up the State, in the same way that the units of States make up the General Government. The immorality, the ignorance, the want of intelligence, the want of virtue of a family, all these things do not relate simply to the interests of that family. They concern the interests of the entire State. I simply use this as an illustration, that if the units of the families of a State can not be depended upon to correct their own internal affairs, to promote their own intelligence, to guard their own virtue, to maintain their own integrity, then it is hopeless that the State can accomplish it for them. And in the same way, Mr. President, if the States can not guard their institutions, if they can not protect their public morality, it is hopeless that the General Government shall endeavor by its control to protect them. If the States do fail here and there to do so, it is a less evil that there should be these occasional failures which are inevitable under any system, than that the General Government should subvert the entire theory of our dual system of government and undertake to regulate the public morality of each State.

Mr. CARTER. Mr. President, I desire to give notice that immediately after the conclusion of the morning business tomorrow I will briefly address the Senate on the pending joint resolution.

The VICE PRESIDENT. The calendar is in order, under Rule VIII.

Mr. CLAPP. Mr. President, that the Senate may be advised of the situation, I expect next Monday, at the close of morning business, to ask for the consideration of the Indian appropriation bill.

Mr. DEPEW. How long will it take?

Mr. CLAPP. I do not know.

Mr. DEPEW. Mr. President, I desire to give notice that Tuesday, immediately after the morning business, I shall make some remarks to the Senate on the question of the election of Senators by direct vote of the people.

Mr. PAYNTER. Mr. President, I desire to give notice that Wednesday next, at 2.30 o'clock, I shall address the Senate upon the Illinois election case.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service be-

tween the United States and foreign ports and to promote commerce."

[Mr. BURTON resumed and concluded the speech begun by him on Tuesday last. The entire speech is printed below.]

*Tuesday, January 17, 1911.*

Mr. BURTON. Mr. President, the measure now before the Senate does not differ much from bills of the same general tenor which have preceded it. We have had bills providing for a cargo subsidy and others providing for a tonnage subsidy. Then, too, we had the bill of 1891, providing for mail payments for four classes of boats. Since that time several measures have been presented providing for compensation for the carriage of mails to South America and to the Pacific coast at a higher rate than that specified in the act of 1891.

In the substitute which is now before us provision is made only for the payment of a mileage rate for steamers carrying mail to South America. I most readily concede the growing importance of extending our economic and political relations with South America. I should be willing to vote for a bill which provided in an intelligent, fair, and economical way for the increase of the means of mail communication with the great continent to the south of us, but I must insist that such a bill shall not be a subsidy in disguise. I must insist that its main object, if it be designated a mail bill, shall be to expedite the carrying of the mails and nothing else.

I think it will be easy to show that the main object of this measure, although its ostensible purpose is to expedite the mail service, is the promotion of trade with South America. On that subject I wish to address the Senate briefly. I would by no means decry the growing importance of our commerce there, but I do desire to call attention to the general features of our trade with foreign countries.

First of all, our commercial relations are primarily with the most civilized and advanced nations of the world. For instance, as I recall the figures, we exported in the year 1909, in round numbers, \$62,000,000 worth of products to the whole continent of Asia; \$17,000,000 worth of products to the continent of Africa; in all, to both, \$79,000,000 worth; while to the little Kingdom of Holland, with approximately 5,000,000 people, we sent \$85,000,000 worth of exports, or \$6,000,000 more than to the whole of those vast continents of Asia and Africa. In order that the comparison may have every element of fairness, it must be said that Holland is a gateway to other portions of Europe. Our exports to Switzerland, for example, are very small, because the articles sent there are transshipped from Belgium, Holland, France, or Italy.

Let us make another comparison. If it were the law of every State of South America that nothing could be imported into any of them except from the United States—in other words, if we had all of their trade—it would, nevertheless, not exceed our exports to the United Kingdom and Canada. There are palpable reasons for this. We naturally trade with those nations in the Temperate Zone of the same type of civilization as ours, of the same general habits, using the same kinds of food, and wearing the same sort of clothing as we wear. Our associations, by acquaintance, by relationship, and by the strongest tie of all, that of blood, are for the most part with the nations of the north Temperate Zone. Again, the facilities for trade, the ability to obtain credit, the methods of doing business in the case of European nations are much more like our conditions than are those of South American countries.

Another reason still, perhaps the most potent of all, is that in the Tropical Zone, which includes the larger share of South America, the consumption is very much smaller per capita, so that the demand is less for commodities such as we can supply. Our merchants have, to some extent, already entered that field, but the average manufacturer or merchant of the United States prefers the more profitable market, the one which he may more readily enter, which is found in Europe, in Canada, and in the near-by countries.

That traffic, as compared with sales to South America, is like the case of a shopkeeper who prefers to sell to a person who likes his wares and who pays him promptly as against one who desires a particular article made to order, who asks for a long credit, and then possibly when the time has expired is still unable to pay.

Now, what is it that brings trade? Not subsidies, but the desire for our products and the ability to buy them. When these factors exist it is not necessary that we should run a subsidized steamship line in order to develop trade. If we can furnish other nations with something they want and are able to buy, transportation follows that demand; it does not precede it. Some of those present have no doubt seen the growth of a prosperous mining town in the West or in an agricultural com-

munity. Stores spring up, as it were, overnight. But the reason is the growth of population and the growth of demand. If we were to adopt the argument of those who favor subsidies, we would be forced in order to be logical to say that you could go out on the bare prairie or into the desert and build stores and trade would spring up. Transportation follows demand; it does not precede it.

Concerning our trade with South America, which this bill intends to promote, I must most emphatically assert, Mr. President, that the existing freight rates are not high from the United States to South America. Figures show also that there are an abundance of both sailing boats and steamers plying between the ports of the United States and the ports of South America. Just a few days ago the Booth Co., of Liverpool, established a line from Philadelphia to Rio de Janeiro and more distant ports. The Lamport & Holt Line now have regular sailings from New York. So it is evident that there are abundant means of transportation between the United States and the great continent of South America.

Mr. President, our trade with South America is now increasing. The statistics relating to almost all those countries, except Colombia and Venezuela, make a most gratifying exhibit. But we will never take advantage of or enjoy our full opportunities there until our merchants and manufacturers turn aside from the domestic trade and from supplying the great demand for our articles and products in Europe and give more attention to the regions to the south of us. We must send commercial travelers there. The first step must be to educate men to know what these people like, to teach salesmen the language these people speak, so that they can go among them, become acquainted with their habits and preferences, and then establish agencies on a much larger scale than has been done up to this time.

Our European competitors not having the same enormous market at home that we have are harder pressed for an outlet for their products. They have realized the necessity of going into South America and establishing agencies in Brazil, Argentina, Chile, and elsewhere. We have not been under the same necessity of developing new fields for our trade, because our domestic market is so enormous that we find little difficulty in disposing of our goods along established lines of travel and trade. If we are to look for a market for our products in South America, we must adapt ourselves to their customs, to their habits. We must manufacture articles which accord with their demands. We must familiarize ourselves with their methods of business and adapt ourselves to them before we can utilize the commercial possibilities of that continent.

Mr. President, there is another matter on which I wish to speak very briefly, and that is the decadence of our merchant marine. I sympathize most decidedly and I join with those who deplore the fact that American vessels are carrying a diminishing proportion of our exports and imports to foreign countries. They now carry, I believe, less than 10 per cent, and we are confronted in every Congress with speeches and articles on the vast amounts we pay foreigners for carrying our products. But there are certain fundamental reasons for this which it is not difficult to find.

In the first place, the cost of shipbuilding is much greater in our country than it is in England or in Germany. I do not know that it would be much greater if conditions here were the same, but, especially in Great Britain, they manufacture on a very large scale, and they manufacture many boats on the same model. Compare the cost of building a ship in one of our yards with the cost of building one in Great Britain and you will find it is much like the position of a contractor who builds a single structure as compared with another who purchases a large allotment and erects on it 20 or 30 houses of practically the same pattern. It has been very generally estimated that shipbuilding costs about 30 per cent more in the United States than in Great Britain and in Germany. This is the first disadvantage.

Just as soon as a boat is finished and ready for trade in either Germany or England it is possible to place a loan upon it—to issue bonds at a rate of interest of 4 per cent and sometimes 4½ per cent. Loans may be negotiated on the boat up to, perhaps, 60 or 65 per cent of its cost. In both of these particulars, in the amount loaned on the boat and in the rate of interest charged, we are at a very considerable disadvantage.

In this country we could perhaps borrow on an average 50 per cent of the value of the boat instead of the 60 to 65 per cent in Great Britain, and the rate of interest, instead of 4 and 4½ per cent, would in all probability be 5 per cent, or even more.

There is another disadvantage under which we labor. It is the cost of what is called maintenance. Every ship exposed to stress of weather and storm requires a very considerable amount



of repair and renovation. The cost of maintenance is probably 30 per cent more in the United States than it is in foreign countries.

We now come to another disadvantage, which is the most marked of all, and that is the cost of operation. The average cost of coal is perhaps not greater than in other countries. But wages in this country are very much higher. On the Pacific coast this is especially noticeable, and it is noteworthy on the Atlantic coast as well. It is not much of an exaggeration to say that the cost of operation as represented by the item of wages is twice as great in the United States, taking the Pacific and the Atlantic coasts together, as it is in foreign countries. All along the line we have these disadvantages.

I have said on several occasions, and I repeat it here, that when these bills are under consideration we ought to ascertain whether their main object is to establish mail lines or to stimulate work in our shipyards. If the main object is to build up mail lines, why not throw competition open to the world? Not that I would have it apply to the coastwise trade, but in mail carried overseas why not provide that boats of 5,000 tons or more may be purchased wherever they can be secured the cheapest?

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. If the Senator will go to the hearings before the Merchant Marine Commission he will find that in Boston, New York, and Chicago capitalists were interrogated by that commission as to whether they would invest money in free ships and sail them under the American flag, and in every instance they said they certainly would not do it; that not a single dollar would be advanced for that purpose because of the extra cost of navigating the ships.

Then, again, I think the Senator, if his investigations have proceeded along that line, is aware of the fact that Great Britain and Germany to-day, where they give a subvention to their ships, whether it be mail or otherwise, provide that those ships shall be built in German and British shipyards.

Mr. BURTON. It may be true now, but some of the best German boats were built in England.

Mr. GALLINGER. That is so now; and when Great Britain put up \$13,000,000 practically to build the *Mauretania* and *Lusitania* the provision in that contract was that they should be built in British shipyards; and they were built in British shipyards.

Mr. BURTON. The objection made by those who thought of investing in vessel property was not to purchasing ships abroad; that objection did not ignore the great advantage that would accrue from this; but it was based on the fact that other expenses, such as the operation of ships, were so much greater here than abroad that they could not afford it even then. Why not take off part of this extra expense by giving our citizens the right to purchase free ships? If the mere right to purchase abroad were granted, I presume it would not rehabilitate a merchant marine under the American flag, but it would be one decided factor looking in that direction. There is, as I have said, the extra cost of construction, the extra cost of maintenance, and the extra cost of operation.

Because the cost of operation and of maintenance are so much greater in this country that they handicap our American merchant marine is no reason why that extra cost should not be neutralized as far as possible by the purchase of ships abroad.

In this connection I come to an argument that is sometimes advanced, that a subsidized merchant marine is the legitimate companion of a protective tariff.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. CUMMINS. Before the Senator from Ohio passes into that discussion I should like to ask him if he has investigated the subject I now propose. Assume an 8,000-ton first-class ship, built in the United States, operated under the provisions of this statute and under the statute of 1891, what would be the cost of the operation of that ship upon an 8,000-mile round trip from New York, say, as compared with the operation of a similar ship in the foreign service?

Mr. BURTON. I do not think anyone could answer that. On some routes it would be twice as much. I stated a little while ago—

Mr. CUMMINS. I was out of the Chamber for a moment, and I did not hear the Senator's statement.

Mr. BURTON. On some routes I presume the cost would be twice as great. I presume the difference in other ships would range from 30 to 100 per cent. This, however, would include boats on the Pacific and is not an estimate based upon any careful computation.

Mr. CUMMINS. Has the Senator's investigation led into an inquiry as to the amount that it would cost to operate an American ship?

Mr. BURTON. I could not state it on a trip of that kind. It would depend naturally on the purpose of the voyage and whether it was a passenger or freight vessel.

In that connection there is a difference in our laws regulating the accommodations to be provided for seamen—that is, the amount of space that is set apart for each member of the crew. Further, there are certain requirements in regard to the food and care of the seamen. With the higher standard of living which we have enjoyed and the greater consideration that we have for those who work for wages, I do not believe any of us would want to abolish those laws. None the less they constitute a very important factor in the difference between the cost of handling American and foreign ships.

I may state in this connection, for the purpose of accuracy, that I understand a bill has been passed in Great Britain within the last two years or more providing for additional quarters for crews, and imposing somewhat more severe requirements for their care and comfort on ships hereafter built.

Now, there is no comparison between a subsidy and a tariff. You can build a wall around a country and absolutely exclude the products of every other country. You can make that policy effective. The one ground, in my judgment, for a protective tariff in the United States has been the diversity of employment and of industry which it creates. It gives employment to our people with all their various capabilities. It develops all our enormous resources. We are not content to be a predominantly agricultural people. We adopt the policy of restriction which has been adopted by every nation that has made great strides in commerce and industry. We shut out competing products, or products of other countries which are not competing, and say they shall not come in unless duties are paid upon them.

One great result of this, which is often overlooked, is that by building up in our own country a competing supply of some great commodity the price of that article is diminished not only here but all over the globe. Invention is stimulated and improved processes of manufacture are devised. That improvement, which would not occur if one country had a monopoly, is to be found when two or more countries produce the same product. Thus the prices of articles are reduced with a protective tariff just as if there were two sources of production seeking one market. Or in the case of labor, under a protective tariff, there are two jobs seeking one man. Without it there are two men seeking one job. The greatest justification for the protective tariff system in the United States has been the development of the whole country along broad and varied lines, the utilization of all the varied capacities of our people, a certain amount of industrial independence, and joined to that in many cases—yes, I think in most cases—a decrease in the cost of commodities.

Again, a protective tariff brings money into the Treasury. Now let us see how the subsidy compares with this system of tariff protection. In the first place, instead of paying money into the Treasury it pays it out. In the next place, you no longer have a limited field which you can fence in to the exclusion of the competitor or the foreigner. The whole world can avail itself of the ocean. As is said in Byron's poem, "Man stops at the shore." On the great ocean routes, the Spanish main and others, the people who can furnish transportation the most cheaply are bound to prevail. If you enter upon that occupation, you will be handicapped; and you will be out-classed now and always unless you can enter it with the assurance that you can carry products as cheaply as can anyone else.

Then, again, note the great difference between manufacturing and the conduct of ocean transportation. Every year invention makes less difficult and less expensive the process of manufacturing, the assembling and the distribution of articles, and the transformation of raw material into the various completed commodities. Along these lines there is a march of progress which never halts.

What is the result? The work of one man is more of a factor than formerly. The efforts of man are reinforced by machinery and appliances. But on the ocean, while progress has been made in the size of the boats, what advance has there been in the method of handling a rope? What material difference is there in the work of putting coal into the furnace? There has been a certain amount of improvement, but the

individual man does not count for as much on the sea as he does in the industries upon land. So again we shall be handicapped.

There is another important factor in this connection that we must not overlook. I refer to the tastes and preferences of our people. We do not take naturally to the sea. I am far from agreeing with some opinions expressed by British naval officers and others within the last year that it is impossible for us to develop sailors for a merchant marine. But I can agree with them to this extent, that it is infinitely more difficult for us to obtain men suitable for that purpose than it is for other countries. In Norway, in Germany, in England, in Scotland, generation after generation follows the sea.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. The same suggestion was made when we were talking about building up our Navy, that we could not get American sailors; and when we did commence to build our great warships it is true that we had a very small proportion of American sailors, but at the present time those warships are manned almost exclusively by Americans. I think that that objection will not lie when there is an opportunity for men to get employment on the sea.

Mr. BURTON. But would the Senator from New Hampshire deny that there is a most vital difference in social conditions in our country as compared with other countries?

Mr. GALLINGER. Oh, undoubtedly so; and I will agree, too, that there is a very good reason why we do not have very many sailors, and that is because we have not many ships on which they can sail.

Mr. BURTON. Oh, but our merchant marine, in its tonnage, ranks as the second in the world.

Mr. GALLINGER. Yes; our coastwise trade.

Mr. BURTON. Then that is conceded, is it not?

Mr. GALLINGER. Yes; but Americans—

Mr. BURTON. There is plenty of chance for improvement in that coastwise trade.

Mr. GALLINGER. So far as the demand is concerned it is largely supplied by Americans.

Mr. BURTON. With a good sprinkling of foreigners.

Mr. GALLINGER. Oh, yes; and foreign ships have some foreigners likewise. Then, if the Senator from Ohio will permit me—

Mr. BURTON. While the Senator is on his feet let me just state that there are these two vital differences: The ship of the Navy, in the first place, is more of an engine; it belongs, rather, in the engineering department; it is not so much in the sailing department as it was or as it now is among ordinary merchantmen. In the next place, the sailors are paid, as wages go, a very high compensation.

Mr. GALLINGER. Undoubtedly.

Mr. BURTON. We have to scrape the country with a fine-tooth comb, establish recruiting agencies in all interior cities, and send out glowing accounts of the sailors' opportunity to visit foreign capitals, and I do not know but what we advertise that they will see kings and queens and all that sort of thing. The Senator from New Hampshire knows that it is exceedingly difficult to maintain the complement required for the Navy, and he knows also that desertions are quite frequent.

Mr. GALLINGER. I think the Senator is drawing on his imagination a little about what the inducements are. Of course we have recruiting stations for the Navy, just as we have for the Army, and I presume other nations have the same; I do not know how that may be, but I think it very probable that we have desertions, just as all nations have desertions from their armies and their navies; but what I wanted to interrogate the Senator about was something he passed over before reaching his present discussion.

Mr. CUMMINS. Before the Senator passes from that, may I ask the Senator from New Hampshire a question, and I ask it purely for information?

Mr. GALLINGER. Yes.

Mr. CUMMINS. What is the pay of the English sailor as compared with the pay of a sailor of the American Navy?

Mr. GALLINGER. I have presented that in some former discussions. I have not it at hand now, but I should think that the English sailor would probably receive not more than 60 per cent as much pay as the American sailor, and the captains and other officers of the ship get less than one-half the amount paid to American officers.

Mr. CUMMINS. Then the pay of the English sailor is about 60 per cent of the pay of the American sailor in our Navy?

Mr. GALLINGER. In many cases it is less, for the reason that on English ships they employ coolies and lascars and they hire them for a mere trifle, but our laws forbid our doing that.

Mr. CUMMINS. Precisely; and would not that account for the fact that we can get sailors upon our battleships, and would we not have to pay the same proportionate difference to get sailors upon our merchant ships?

Mr. GALLINGER. We undoubtedly would have to pay more, precisely as we have to pay more in our manufacturing industries on land.

Mr. CUMMINS. Probably we would have to pay twice as much as the average seaman upon the foreign ships receives.

Mr. GALLINGER. Considering the fact that the English and other ships are manned to a considerable extent by coolies, or at least are operated by coolies, we would have to pay probably twice as much.

Mr. CUMMINS. And in any effectual subsidy we must pay that difference in order to put the American ship into use?

Mr. GALLINGER. We have got to equalize conditions to some extent, of course, or else we can not have any ships. There is no question about that. We have to meet in some way the handicap we have if we are going to have any ships at all. Of course we have some advantages. We have the American genius and the American enterprise, which, I think, exceed that of any other nation in the world; it certainly does on the land, and I think it will on the sea when we give our people an opportunity to demonstrate what they can accomplish. The Senator pointed out the difference between industries on the land and industries on the sea, saying that a ship was now about what a ship was 25 years ago, while on the land—

Mr. BURTON. No; I did not say that. I said in the handling of them, and I gave one or two illustrations. Of course, there has been great improvement in the size of the ships—that is, in the models.

Mr. GALLINGER. Yes.

Mr. BURTON. But the human element, the man as a factor in managing the ship, has no such increased advantage as he has in a manufacturing industry.

Mr. GALLINGER. But the Senator, of course, will admit that we are not the only Nation that has made these wonderful improvements on land. We are not ahead of Germany or England or Japan in having utilized these labor-saving machines and labor-saving methods.

Mr. BURTON. In the value of the individual unit we are ahead of all of them.

Mr. GALLINGER. That is claimed, but I have very grave doubt about it myself. I doubt whether we are ahead of Germany.

Mr. BURTON. We appear to be ahead in capacity.

Mr. GALLINGER. But, however that may be, we are in competition with other nations which have the same advantages we have and the same genius. Germany, with her technical schools, is very far ahead of us in the matter of educating her youth in industrial pursuits. So far as the ship is concerned, of course we have made marvelous improvements. I suppose when the Senator first went to Europe—he has gone there many times—it took 10 or 12 days—I do not know how many—but he can go there now in four days. We have got different engines; we have got different engineering; we have made great advances; not only we, but the other nations of the world, and they more particularly, because we have not had the chance. We can not build ships as cheaply as they build them.

Mr. BURTON. Oh, Mr. President, we have had the chance to build ships. We have excellent shipyards, we have the material, and, as I understand it, we have the privilege of importing shipbuilding material from abroad under a recent statute without paying duty upon it. We did, under different conditions, surpass the whole world in shipbuilding. Now, what?

Mr. GALLINGER. "Under different conditions."

Mr. BURTON. They did not receive a subsidy, though they may have received discriminating duties. But those discriminating duties were not necessary for their maintenance. They did not live off these discriminating duties. They survived because of their superior aptness and the greater efficiency of their ships and their sailors.

Mr. GALLINGER. That was of course largely in the days of sailing ships; but is it not a fact that when the governmental protection was withdrawn shortly before the war our ships disappeared from the seas of the world?

Mr. BURTON. If that is so, it is very largely a coincidence. So many causes worked for the disadvantage of our merchant marine that you can not properly ascribe its decadence to any one thing. The first was the substitution of iron and steel ships for wooden vessels, which took place much earlier and on a



much larger scale abroad. These new types of vessels were tried and soon preferred in almost every branch of transportation where large quantities of freight were to be sent by water. Then, of course, the disturbance during the Civil War caused by privateers preying on our merchant marine hampered its development. But the greatest cause is that our people have been engaged in exploiting our magnificent natural resources. The great field for them is not on the sea but on the land, because on land the opportunities for profitable investment are much greater. This great development of our internal resources commenced at the close of the Civil War. Since then there has been little attraction to men engaged in these undertakings to run the precarious chances of profit upon sea when there are such a multitude of profitable enterprises open to them upon land. Of one thing we may be sure—that there will be a rehabilitation of our merchant marine when we have reached some limit in the exploitation of our internal resources. I trust it will come long before that; but, instead of such a condition as exists in many of the older countries, where they find it necessary to grope about for opportunities to utilize their capital and their energy, we as yet have not sufficient capital and energy to develop our opportunities on land, much less upon the sea. Naturally, under such a condition as this, investment will not seek ships and men will not seek a seafaring life.

Then, in the United States there is this constant advancement, one generation going further ahead than the one preceding it, the son occupying a more prominent position than that which his father occupied. I know of several lawyers and physicians in the very front rank of their profession whose fathers sailed before the mast and lived lives of the greatest hardship. That is not so in the older countries. The son whose father was second mate would think himself very fortunate if he could become first mate. Abroad they are compelled to a greater extent to follow along in that same groove one after the other.

Such are the causes of the decadence of our merchant marine. In those facts we see the reasons why a ship subsidy is not similar in its aim and in its results to a protective tariff, and why it is wrong in principle. I should not have stood here or elsewhere advocating a protective tariff if I thought that the amount of the duty was added to the cost of the article. That is not the effect of a tariff. It may so happen when it is first imposed; it may be true at some season of high prices or of low prices even; but it is not the general effect of the policy of protection. On the other hand, if a subsidy is paid, by just so much do you add to the cost. Does the Senator from New Hampshire maintain for a minute that the payment of these subsidies will exert any material effect in decreasing freight rates to South America?

Mr. GALLINGER. Mr. President, I think if it has even an indirect influence toward breaking up the miserable European shipping combines which the President and the Attorney General have given notice they would proceed against, that it will have that effect.

Mr. BURTON. Mr. President, I can not find any great validity in that argument.

Mr. GALLINGER. The Senator knows something about that combine, does he not? He has read about it.

Mr. BURTON. The probability is that those who are on the sea have shown some degree of facility in imitating those who are on land.

Mr. GALLINGER. They have shown a very great facility, I will say to the Senator.

Mr. BURTON. And if it is illegal no doubt it will be broken up.

Mr. GALLINGER. I am not at all sanguine that the proceeding that has been instituted will result in that for the reason that it is a foreign combination.

Mr. BURTON. But does the Senator from New Hampshire believe for a minute that a subsidy-fed line added to the rest would break up that combination? It would enter the field with a handicap under which it would more naturally tend to combine than to compete with the others.

Mr. GALLINGER. We are dealing with subsidy-fed lines owned by other Governments.

Mr. BURTON. With the greatest respect, I can hardly agree with the Senator from New Hampshire on that. They do receive mail pay, but the object of that mail pay is to compensate for carrying the mails.

Mr. GALLINGER. That is exactly what is proposed by this bill.

Mr. BURTON. That any merchant marine has been built up by a subsidy I most confidently deny.

Mr. GALLINGER. Then, why should anything be paid at all?

Mr. BURTON. Because there is a service rendered in carrying the mails. If it is a fair pay for that service, it is not a subsidy.

Mr. GALLINGER. The Senator knows it is not a fair pay that foreign governments grant.

Mr. BURTON. I am not so sure about that. They pay by the pound, while this proposition is to pay by the mile. They pay according to the real service rendered; and here it is proposed to pay so much per mile, whether the lines carry a dozen letters or a dozen tons of letters.

Mr. GALLINGER. The Senator knows—

Mr. BURTON. Of course I do not allege that they all pay by the pound, but that is the general custom.

Mr. GALLINGER. They do not; and the Senator knows that enormous subsidies are paid by foreign governments to their ships. They may cover it by calling it "mail pay" or anything they please; but the subsidies they pay are much larger than ever was contemplated by the Congress of the United States.

Mr. BURTON. Will the Senator from New Hampshire state what the German Government pays for carrying mail to South America?

Mr. GALLINGER. No; I do not know.

Mr. BURTON. Seventy-five thousand dollars. There is an example of your enormous subsidies. Does the Senator from New Hampshire know how much the Government of Great Britain pays for carrying mails to South America and to the West Indies as well?

Mr. GALLINGER. I have not looked those figures up carefully. I know that they have not any competition; but with very great competition they probably would not pay quite as much as we would have to pay when we should come in competition with those other Governments. But I do know that the British Government laid down \$13,000,000 to build two ships—the Senator knows that is a pure subsidy—and that those ships are sailing to-day simply because the British Government provided means to construct them.

Mr. BURTON. I do not regard it as a subsidy, and I was not aware that the total amount was laid down by the British Government.

Mr. GALLINGER. It was.

Mr. BURTON. They do pay a very large sum, but on condition that the vessels shall be subsidiary to the navy.

Mr. GALLINGER. Precisely. That is what this bill provides.

Mr. BURTON. Right here we should define what is the object of this bill. Is it to build up a subsidiary navy; to pay a subsidy for carrying cargo or for carrying mail?

Mr. GALLINGER. The Senator knows, Mr. President, that under the act of March 3, 1891, of which I think the Senator from Maine [Mr. FAYE] was the author, the provision is very explicitly stated that they shall be subsidiary to the Navy in time of war.

Mr. BURTON. What is your principal object?

Mr. GALLINGER. Well, I do not know that I am under obligation to answer what my object is. I have not any object except a patriotic object. I want to see some American ships on the ocean. I do not want to see the American Navy go around the world again convoyed by British colliers and colliers of other nations.

Mr. BURTON. "A patriotic object" is a very general term.

Mr. GALLINGER. I knew the Senator would quibble about that, of course.

Mr. BURTON. It is an exceedingly commendable object in itself, but it is too often associated with liberal drafts on the Federal Treasury and on the ordinary taxpayer.

Mr. GALLINGER. Well, Mr. President, that is an unnecessary observation on the part of the Senator. He has no warrant for making any such statement as that concerning me. I have not been in the habit of trying to put my hands into the Public Treasury.

Mr. BURTON. Oh, the Senator from New Hampshire need have no personal sensitiveness on the subject.

Mr. GALLINGER. I have.

Mr. BURTON. It is of the plan, or of what might be called the scheme, that I am speaking. One says "that is our patriotic duty; we must do it," and the other, "we must pay the price out of the Treasury for doing it."

Mr. GALLINGER. Well, Mr. President, I am not any more patriotic than the Senator from Ohio; but I will say for myself that, almost regardless of cost, if I had the power to do it, I would put American ships on the oceans of the world.

Mr. BURTON. Where would the Senator draw the line?

Mr. GALLINGER. I would not have it said, as the minister from Argentina said the other day in a speech in New York, that he had not seen the American flag for a year in one of the chief ports of South America. That, in my judgment, is a reproach and a disgrace to the American people and the American Congress.

Mr. BURTON. Mr. President, it is always exceedingly difficult to meet an argument of that kind containing a patriotic sentiment. The Old Flag is one that we all love, and we would like to see it everywhere in the world; but the question is to what extent must sacrifices be made in order to send that flag over the globe? To what extent is it economical; to what extent is it sensible; to what extent does it enable us to increase our trade? Does it make any very great difference whether our agricultural machinery is carried to Argentina under the American flag or under some other flag?

Mr. GALLINGER. I think it does make a very great difference.

Mr. HALE. An immense difference.

Mr. GALLINGER. When we pay foreign nations between two and three hundred million dollars a year for carrying our products to other countries and bringing back what we purchase from other countries, that money is spent by foreigners, and I think it does make a very great difference. I would rather that an American would get it than a foreigner.

Mr. BURTON. Patriotism or no patriotism, if there are two boats running, one under the American flag and one under the British flag, and a thrashing machine is carried for 5 per cent less by the ship sailing under the British flag, which ship is going to take it?

Mr. GALLINGER. I presume that, as a rule, the British ship would take it.

Mr. BURTON. So, when you come to analyze it, it is a question of which will do it most cheaply.

Mr. GALLINGER. I presume the Senator will admit that if that same principle were applied to the manufacturing industries of this country there would not be a factory in the State of Ohio in a year.

Mr. BURTON. The same principle—how?

Mr. GALLINGER. The principle under which we protect our industries as against the lower wages and the lower conditions of life that prevail abroad.

Mr. BURTON. It seems to me I have pointed out at considerable length to the Senator from New Hampshire the difference between a protective tariff, a domestic inland policy, and a subsidy to promote trade upon the sea. There can be no comparison between them.

Mr. GALLINGER. There may not be in the Senator's mind, but in the minds of some other men there is a very striking comparison.

Mr. BURTON. I hope to dislodge that idea from any other mind, because it is clearly and absolutely fallacious.

Mr. GALLINGER. The Senator has been industriously laboring to do that for a great many years. He has never yet had a good word to say for American ships.

Mr. BURTON. I do not know about that.

Mr. GALLINGER. Not one.

Mr. BURTON. I fear the Senator from New Hampshire exaggerates in regard to that. I do have a word to say for the American ships, but I am not in favor of wasting money from the Federal Treasury to build up a merchant marine which will do us no good as a people, and as an inevitable result of which the great bulk of the money will go to a few concentrated interests or corporations. The more they get out of the Federal Treasury the more they will demand. I never saw a subsidy yet that did not gravitate to corporations and other large concerns.

Mr. PERKINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from California?

Mr. BURTON. Certainly.

Mr. PERKINS. I wish to say to the Senator from Ohio that Canada a few weeks since granted a subsidy of \$425,000 a year to a steamer running 13 trips a year between Vancouver and Sydney, Australia, and Auckland, New Zealand.

Mr. BURTON. If they want to do that, of course they are at liberty to do so.

Mr. PERKINS. The result has been to compel the Oceanic Steamship Co., which formerly plied between the Pacific coast and Australia and New Zealand, to discontinue the service, as they were unable to compete with the subsidized line of steamers.

Mr. BURTON. The Senator from California will recognize that the Dominion of Canada pays very large amounts to railroads running across the continent, and besides stands behind them and guarantees their bonds. Does the Senator from California favor that policy in the United States?

Mr. PERKINS. It has been the policy of the United States to help the transcontinental railroads.

Mr. BURTON. I presume it has helped them a little too much; but it is not doing it just now.

[At this point Mr. BURTON yielded for a motion to adjourn.]

Friday, January 20, 1911.

Mr. BURTON. Mr. President, the fundamental question in this discussion is what conditions determine the course of trade. The argument usually presented in behalf of such measures as this is that trade follows the flag or that trade follows a subsidized merchant marine. On the fallacy of these claims I desire to address myself at some length.

In order to understand this question, it is necessary to examine into the factors which determine commerce. Trade between nations, as between individuals, depends upon the ability to satisfy a want or a desire more cheaply and more efficiently than a competitor can. A nation will be a large buyer if it is possessed of great wealth. There must not only be a demand for commodities to satisfy wants, but this demand must be accompanied by purchasing power.

Nothing more clearly illustrates the rules governing trade than the contrasted conditions in Great Britain and in the United States. Great Britain is an extremely wealthy country and does not have within its own borders that supply of food and raw materials necessary to meet the demands of its large population and industries. It has, however, great purchasing power, derived from interest on investments abroad, from income on the carrying trade, from insurance, and from commissions on exchanges. Naturally its exports and imports do not balance each other. But computations very carefully made by Mr. Giffen some years ago and recently by Mr. Paish show that in England the excess of imports over exports was practically offset by the incomes from the sources which I have named—the amount derived from foreign countries for interest on investments abroad, from the carrying trade, from insurance, and from commissions.

The United States, on the other hand, is notable for what may be called its self-sufficiency. No country on the globe has so large a supply of that which ministers to the wants of its people as our own country. That is due to the great diversification of soil and of climate, to our great expanse of territory, and to the ready means of communication within our own borders, partly by lakes, rivers, and canals, but more especially by reason of a very highly developed railway system.

In a newly developed country like Argentina, which is perhaps the best example, there are great resources to be developed. Such a country will inevitably import very large quantities of material for its further development. In the era preceding 1890 immense purchases of material for the construction of a great mileage of railways were made from foreign countries. All of these purchases promoted the future development of the country. On the other hand, Argentina furnishes great quantities of food and raw material for export. But the vital point is that trade exists between countries when one is able to supply the wants of the other and when both have resources sufficient to enable them to buy. Means of communication follow the conditions which make for trade and not vice versa. If purchasing power is developed in a nation by an increase of resources, that country will seek to buy from others, lines of ships will then be organized in response to the demand, and means of communication readily obtained.

Now, who will supply the demand? Naturally it will be that country which can furnish the commodities desired most cheaply and most efficiently. If there is a boat line between two trading countries, and still another country can supply the demand of that purchasing country more cheaply, inevitably shipping lines and lines of communication will be established and commerce transferred from the one which furnishes at the greater cost to the one which furnishes at the lesser cost. This is an inevitable law of trade.

Another feature which affects the South American trade very materially is the question as to whether the products of two countries engaging in trade are competitive or what is called complementary. Is one a manufacturing country and the other an agricultural country? Does one have an adequate supply of the products required by the other? For an illustration, Argentina for the most part supplies articles similar to those produced in our own country. To some extent, though much less, that is true of Brazil. Europe possesses one great advantage in its trade with Argentina (which is the most rapidly developing country of the South American Continent), due to the fact that that country furnishes meat, grain, food, and other similar articles required in Europe. Our own country, at least under present conditions, does not need these products, but is itself producing them in competition with Argentina for



export to Europe. So inevitably the trade of Argentina develops more naturally with Europe than with the United States.

This factor in the situation is, in my judgment, often lost sight of. Overlooking the question of competitive supply and ignoring the demand for our products, we take it for granted that trade will develop between our own country and another. It is not unlike the case of two manufacturing cities within our own borders. If they produce the same articles the amount of traffic between them will not assume large proportions, but if the goods manufactured in the two cities are different there will be very considerable shipments from the one to the other.

Mr. FLETCHER. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Florida?

Mr. BURTON. I do.

Mr. FLETCHER. Speaking with reference to Argentina, Brazil, and the South American countries, I would like to inquire of the Senator if it is possible to develop trade in raw cotton in those countries. We produce some eleven to twelve million bales of cotton and export nearly four-fifths of it. The section to which the Senator is alluding as supplying the products of the soil demanded in Europe I believe does not produce cotton, and there might be a possibility of trade in that article.

Mr. BURTON. In cotton goods; certainly.

Mr. FLETCHER. In cotton itself, raw cotton.

Mr. BURTON. As I understand the Senator from Florida no raw cotton is produced in Argentina.

Mr. FLETCHER. There is none in South America.

Mr. BURTON. Nor is there any on the whole of the continent of South America. Then to that extent certainly our country is what may be called complementary in its production, though of course other portions of the world may furnish cotton goods more advantageously and more cheaply than we can. One factor to be considered is the question of the return cargoes. Outgoing boats from South America to Europe or elsewhere carry their food products and naturally return with cotton goods.

The fallacy that trade follows the flag is readily disproved by statistics and by certain fundamental facts. Trade between countries is influenced by proximity of location, one of the most important factors, by similarity of language, of customs, and of currency, and not by the nationality of a flag or a steamship line.

As respects the United States the best illustration of that is our trade with Canada. The climate is similar, at least the climate of the northern portion of the United States; their currency is the same, or practically the same, being in dollars rather than in pounds, shillings, and pence; their language is the same; the habits and customs of the people are the same.

Trade is not a matter of sentiment or of patriotism. It is governed by rules of its own which are of universal application. It is determined by great general principles and by the comparative efficiency of the countries which seek to furnish the articles to each other. It precedes the flag; it does not follow it. There may be a coincidence in cases where the flag of different countries is the same. For instance, in all the colonies of England the English language is spoken, at least by a majority of the merchants and traders. There is also, as a rule, a large infusion from the mother country of immigrants who carry to the colony certain habits and certain preferences for the articles which they have used at home.

Nationality or race counts potently in determining the country from which a people will derive their supplies. For instance, Brazil purchases a large share of its commodities from Portugal because of the similarity of language, and because of the fact that for many years the inhabitants were in close communication with that European Kingdom. Thus not only had the habit been formed of purchasing in Portugal, but the tastes and the customs of the people of Brazil conform in a large degree to those of the country with which they were formerly affiliated.

The best illustration of the fact that trade does not follow the flag is to be derived from the trade of Great Britain. Taking the annual average trade for the five-year period from 1855 to 1859, 73.4 per cent of the British export trade was with foreign countries and 26.6 per cent with her own possessions. In the five-year period from 1890 to 1894, inclusive, exactly the same proportion obtained, 73.4 per cent to foreign countries and 26.6 per cent to her colonies, although there had been during this time an enormous increase in the area, population, and wealth of her colonial possessions. But notwithstanding mail steamships and means of communication which girdle the earth, all flying the English flag, in the five-year period from 1904 to 1908 the proportion of her exports to foreign countries had in-

creased to 77.2 per cent and that to her possessions had fallen from 26.6 per cent to 22.8 per cent.

An even more striking illustration of this same fallacy is the trade of the United States with Canada. In the year 1888, 47.1 per cent of the total imports of Canada came from the United States. In the same year Canada bought but 38.3 per cent of her imports from Great Britain. In 1898 the proportion of imports from the United States into Canada had increased from 47.1 to 60.2 per cent, while those from Great Britain had fallen from 38.3 per cent to 24.8 per cent.

About this time a law was passed in Canada granting preferential rates to imports from Great Britain and, with certain unimportant exceptions, reducing the duties one-third. But notwithstanding this preference of one-third in duty rates in favor of England, the imports from the United States into Canada in the year 1909 were 60.4 per cent of the total, while those from Great Britain fell from 24.8 per cent to 23.7 per cent. It is probable that no object lesson could be cited which more clearly disproves the idea that trade follows the flag than this instance of our relations with the country to the north of us. The following table shows in summary form the progress of our trade with Canada:

*Comparison of imports into Canada from the United States and Great Britain.*

Years.	Total imports for home consumption.	Imports from United States.	Imports from Great Britain.	Per cent from United States.	Per cent from Great Britain.
1888.....	\$102,847,100	\$48,482,000	\$59,299,000	47.1	38.3
1898.....	130,638,006	78,706,000	52,500,000	60.2	24.8
1909.....	298,205,957	180,027,000	70,683,000	60.4	23.7

If trade follows the flag the percentage of imports into Canada from Great Britain would naturally increase instead of decreasing as the table shows. As already stated, the real factors in the situation are proximity of location, similarity in tastes, language, and currency, ready communication across the border, the ability of our manufacturers to make articles to meet the demands in Canada, and the aggressiveness of our merchants in this market.

Nor does trade follow a subsidized line of merchant marine. Confessedly the bill before us does not aim to reduce freight rates. It does not give any such advantage to our merchants and shippers. It is intended that we shall pay from the Treasury the difference in the cost of operation, so that Americans can enter a field already supplied, but with no intention or expectation that the rates of freight will be lowered.

The Senator from New Hampshire in his remarks the other day spoke at length of the increase of trade which had been produced by subsidized lines, and of the great development of our trade to Venezuela. The illustration was a most unfortunate one. It appears from the Statistical Abstract last issued, in 1909, that 20 years ago, in the year 1889, our exports to Argentina were \$9,000,000; in 1909 they were \$33,000,000, about three and one-third times as much. To Brazil the increase was not as great. In 1889 the exports were approximately the same as to Argentina, about \$9,000,000. In 1909 they had increased to \$17,000,000, or nearly double our exports to that country 20 years before.

To Chile our exports in 1889 were approximately \$3,000,000; in 1909, \$5,400,000, or nearly double. To Ecuador, a country of no very great commercial importance, in 1889 the amount was \$756,000; in 1909, \$1,849,000, or more than double.

Mr. President, I desire unanimous consent to insert in my remarks certain tables and statistical material.

The VICE PRESIDENT. Is there objection? The Chair hears none, and permission is granted.

Mr. BURTON. I do not wish to weary the Senate by reading these statistics in detail. The increase of our exports to Peru was very large. In 1889 the exports amounted to \$780,000; in 1909, \$4,557,000; a most decided increase. To Uruguay in 1889 they were \$2,192,000; in 1909, \$3,360,000; an addition of 50 per cent.

Now we come to Venezuela, the country which is held up to us as a shining example, a country to which we have a line with a regular and frequent schedule and which receives a subvention from the Federal Treasury. It is the only one of the countries I have mentioned which shows a decrease. In 1889, before we had a subsidized line to that country, our total exports to Venezuela were \$3,738,000; in 1909 they were only \$2,568,000. Over against the increases to Argentina, to Brazil, to Uruguay, to Peru, and to these other countries, this one shows a falling off of about one-third.

The following table indicates the progress of our trade with several countries of South America during the 20 years from 1889 to 1909:

Value of exports from United States to South American countries.  
[Compiled from the Statistical Abstract for the United States.]

Years.	Argentina.	Brazil.	Chile.	Ecuador.
1889.....	\$9,293,856	\$9,351,081	\$2,972,794	\$750,211
1899.....	9,563,510	12,239,036	2,107,124	882,591
1909.....	33,712,505	17,527,692	5,466,286	1,849,657
Total increase.....	24,418,649	8,176,611	2,493,492	1,093,446
Gain per cent.....	262.8	87.4	83.9	144.6
Gain per year.....	13.14	4.37	4.19	7.23

  

Years.	Peru.	Uruguay.	Venezuela.
1889.....	\$780,835	\$2,192,848	\$3,738,961
1899.....	1,325,650	1,242,822	2,851,634
1909.....	4,557,864	3,360,313	2,568,211
Total increase.....	3,777,029	1,167,455	11,170,750
Gain per cent.....	483.7	53.7	131
Gain per year.....	24.18	2.68	11.55

<sup>1</sup> Loss.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. I think the Senator has not carefully read what I said or he would not say I held up Venezuela as a shining example of the increase of trade. I am not unconscious of the fact that we have had a Castro in Venezuela of late years, and that the trade of the United States as a result has been very seriously handicapped and decreased.

I may have possibly mentioned Venezuela in connection with lines to Mexico and Cuba, where we have steamship facilities and where we have had an enormous increase of trade; but however that may be, the Senator is not quite doing me justice to say that I have insisted that there was a very large increase in trade with Venezuela, because I knew to the contrary. That we have had better facilities with that country, as the Senator knows, goes without saying—better mail facilities and better communication in every way. I am aware of that fact. There has been a decrease in the trade of Venezuela with all countries, but it has been largely because of the revolution that has existed there. I think that has been a greater cause than all other causes combined.

Mr. BURTON. There has not been a continuous revolution in Venezuela since the establishment of this line. They had as stable a government as several others of those southern countries during the time when Castro was there, and, further, Castro has been absent for a considerable number of years.

I want to call attention also to the percentage of imports into Venezuela from the United States as compared with their total imports. This is another test. The imports from the United States in 1889 were 22.9 per cent, in 1898 they were 32.1 per cent, and in 1908 they had fallen to 25.7 per cent. The following table will show that in the case of most of the other South American countries the proportion of imports from the United States to their total imports has shown a greater increase:

Percentage of imports from the United States into Venezuela and other South American countries.

[Compiled from Statesman's Yearbook, Statistical Abstract of the United States, and Statistical Abstract for Principal and Other Foreign Countries.]

Years.	Venezuela.			Brazil.		
	Total imports.	Imports from United States.	Per cent from United States.	Total imports.	Imports from United States.	Per cent from United States.
1889.....	\$16,274,000	\$3,738,961	22.9	(1)	\$9,351,081	.....
1898.....	8,559,500	2,746,261	32.1	(1)	13,318,036	.....
1901.....				\$104,212,875	11,663,574	11.1
1908.....	9,915,748	2,555,863	25.7	173,018,625	19,490,077	11.2

<sup>1</sup> Figures not obtainable.

Percentage of imports from the United States into Venezuela and other South American countries—Continued.

Years.	Argentina.			Chile.		
	Total imports.	Imports from United States.	Per cent from United States.	Total imports.	Imports from United States.	Per cent from United States.
1889.....	\$160,455,750	\$9,293,856	5.8	\$86,105,000	\$2,972,794	4.5
1898.....	104,794,250	6,429,070	6.1	37,391,250	2,351,727	6.3
1908.....	266,150,663	31,858,155	11.9	97,719,376	9,194,650	9.4

  

Years.	Uruguay.			Peru.		
	Total imports.	Imports from United States.	Per cent from United States.	Total imports.	Imports from United States.	Per cent from United States.
1889.....	\$37,401,000	\$2,192,848	5.9	(1)	\$780,835	.....
1898.....	25,169,625	1,214,248	4.8	\$9,408,850	1,302,695	13.8
1908.....	35,158,500	3,868,661	11	26,910,000	6,959,579	25.9

<sup>1</sup> Figures not obtainable.

Now, let us look at Cuba, which the Senator from New Hampshire mentions as an illustration of the benefits of mail subventions. How easy it is to distinguish the real causes of the increase of trade to that country and show that it has not been due to any provision in the nature of ship subsidy. In the first place, when you consider its location, that island is perhaps the most fertile spot on the globe. It has an advantage in raising cheaply two great products—sugar and tobacco. If they have good order and stable political conditions on the island, they will send enormous quantities of food products into this country, no matter what tariff we may impose. But what has built up the trade of Cuba? It has been, first, preferential duties, by which we receive their sugar at a lower rate than the sugar of other countries, and they receive in return certain of our manufactures at a less rate of duty than other nations. Our trade with Cuba has developed also as a result of the close political connection between the two countries; for a good share of the time, during which our trade with Cuba has increased, the island has been under our control. Sometimes thousands of our soldiers have been quartered in the island; they were the ruling force there, and the purchase of supplies of many varieties for them and for other citizens of the United States has greatly influenced our trade relations.

There is still another factor that, without any resort to subsidy or mail subvention, goes far to explain the increase of our exports to Cuba, and that is the large infusion of Americans into the island and the very considerable amount of American capital that is being invested there. The same is true of Mexico. In fact, if you compare the statistics relating to our trade with Mexico, omitting the construction of railways as a factor of communication, our proportion of trade with this close neighbor was just as great 20 years ago as it is to-day.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Will the Senator from Ohio yield?

Mr. BURTON. Certainly.

Mr. GALLINGER. I fail to find in the observations I made a few days ago any reference whatever to Venezuela. Does the Senator find anything in the text of the few remarks I made to justify a suggestion that I held it up as a shining example of the increase of trade. What I did say was, if the Senator will permit me just a moment:

That law has created a mail, passenger, and fast-freight service in American steamships on the short routes to the West Indies and Mexico. The countries to which these steamships run now buy about 50 per cent of their entire imports from the United States.

Mr. BURTON. This is the passage to which I especially referred. After referring to certain South American countries, the Senator from New Hampshire said:

Other and nearer Latin-American countries—

That is, Venezuela—

the West Indies, and Mexico, with which we have good, swift, regular communication by American steamship lines, running under the law of 1891, buy substantially 50 per cent of all their imports from the United States.

Mr. GALLINGER. Yes; but I could not have meant Venezuela, because I know, as the Senator knows, that we have no good, swift communication with Venezuela. The Red D Line has only four inferior boats, which are very slow, and the



service is very unsatisfactory. So I could not have had reference to Venezuela in anything I said.

Mr. BURTON. I accept the statement of the Senator from New Hampshire, but it seems to me the natural interpretation to be placed upon this language, "other and nearer Latin-American countries." When compared with other countries of South America it certainly includes Venezuela, the one country with which we have a line of communication.

Now, what are some of the other fallacious arguments that are advanced in favor of subsidies? One is the saving of money. What are the facts about that? Capital invested in shipping on the great ocean routes of travel earns on an average probably from 3 to 5 per cent. Most investments in the United States earn much more. That is one reason why as a Nation we can not save money by engaging in the ocean carrying trade. This argument, when it is analyzed, really leads to an absurdity, namely, that it is best for us to engage in an unprofitable line of trade and do business which we must do at a loss, under the delusion that we are thereby saving money. Some years ago in criticism of this argument an opponent of subsidy said: "Let the man who argues in favor of that policy discharge his porter, carry his own coal, sweep his own cellar, and do the drudgery around the house. He will be saving what he pays to the servants for doing it, and in effecting this saving he can be claiming that he is saving money." We can not save money by embarking in enterprises where there must be a loss, unless the deficit is made up from the National Treasury. Estimates do not all agree, but it is said that we pay \$200,000,000 annually for the transportation of our foreign freight. But if we were instead to engage in the ocean carrying trade ourselves it would cost us largely in excess of that figure, and, manifestly, instead of saving money, we would suffer a very considerable loss every year. It should also be noted that a considerable amount of American capital is invested in foreign steamship lines. According to the report of the Commissioner of Navigation for 1901, Americans owned 136 steamships sailing under foreign flags, with a gross tonnage of 672,455 tons. The number of vessels so owned has probably increased since 1901. The amount of American capital so invested and the amounts paid to these American-owned boats for carrying our freight should logically be deducted from the \$200,000,000 mentioned above.

Then it is alleged that there is discrimination by foreign steamship companies against our merchants in favor of their own country. Steamship companies do not engage in the business of transportation from motives of sentiment; they are established along routes where there is traffic. If they were to allow themselves to be influenced by sentiment, they could not continue in business. With them it is a cold-blooded proposition of where the best profits can be obtained and the best work done. If a line is established, as several lines have been established between New York and Brazil, the rates are determined with a view to the profitable transaction of business and the increase of traffic.

In this connection, Mr. President, I want to call attention to the fact that if there is any business in the world which is overdone it is the shipping business. It suffers the most serious depressions. Whenever there is a new route with traffic to be carried and a chance for development exists, steamship companies are readily available to carry the freight. This is not, like furnishing some articles which are subject to active demand, a business in which the supply does not equal the demand. Here the supply is greater than the demand. Read the accounts of the British shipping laid up after the year 1907. Depression prevailed in the German shipbuilding and shipping trade in those years, and the one conclusion that you can derive with certainty from these accounts is the fact that there is an oversupply of ships to carry the traffic of the world.

I have already spoken on patriotism as a factor in this equation. Why, Mr. President, nobody would like better than I to see the American flag when traveling in foreign lands. But when the sight of that American flag would carry with it, as it must, the idea that it is receiving a subvention from the Federal Treasury; that one class of our citizens is receiving an undue advantage at the expense of another, I for my part should prefer to see the American flag on some pinnacle other than the masthead of a subsidized ship. It does not carry with it that honor and that sense of gratification which is inspired by the sight of it where it legitimately belongs. Rather, it compels the painful reflection that under such circumstances it is out of place.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. I do.

Mr. GALLINGER. The Senator knows that he will never see the American flag in foreign ports under existing conditions.

Mr. BURTON. I am not so sure about that.

Mr. GALLINGER. The Senator knows, when he sees the flags of other Governments flying from the masts of their ships and the flag of the United States is never seen, that the foreign ships, as a rule, are subsidized ships. All we ask in this bill is that, for the promotion of the mail service largely, we shall increase the compensation that is allowed under the law that has existed for 20 years, and to which, strange as it may seem, so far as I know, the Senator from Ohio has never objected.

Mr. BURTON. I never objected to what?

Mr. GALLINGER. To the existing law.

Now, if it is wrong to pay what is proposed in this bill, what the Senator calls a subsidy—and it is not a subsidy at all—it is equally wrong to pay what we are paying at the present time, for the principle is the same.

Mr. BURTON. I will answer each one of those arguments in their order.

The Senator from New Hampshire knows that we have already engaged in our coastwise trade the second largest merchant marine in the world.

Mr. GALLINGER. Yes, Mr. President; and that is because it is the highest subsidized merchant marine in the world, for by statute law we absolutely prohibit the ships of other nations from engaging in that trade.

Mr. BURTON. Now, on that question, I have already dealt at great length on the diametrical difference between a protective tariff and a ship subsidy system. You can establish a policy along the lines of protection within a country and carry it out; you can say that not a single article shall come into that country unless it pays a duty, and you may make the duties as high as you choose; you can make a law, as you have already made laws, that a ship engaged in the coastwise trade shall not touch at our ports unless it is a ship of American register. But when you go out on the ocean, into competition with other nations, you are confronted with an absolutely different proposition. You can not build a wall around the ocean. You are engaged there in a competition where the fittest is sure to survive, and the fittest is the one who can furnish the cheapest transportation.

Mr. GALLINGER. Will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. I do.

Mr. GALLINGER. Under our coastwise laws we have fenced in the Pacific Ocean—

Mr. BURTON. We can do it, but—

Mr. GALLINGER. Inasmuch as our coastwise vessels go from San Francisco to New York and foreign vessels are not permitted to do so.

The Senator from Ohio calls attention to the fact that our coastwise shipping gives us the second place amongst the nations of the world. I will ask the Senator how long that coastwise shipping would last if we should admit foreign shipping to the coastwise trade.

Mr. BURTON. I do not know about that. I think, however, the larger share of it would endure.

Mr. GALLINGER. Upon what basis?

Mr. BURTON. I think on the Great Lakes, both in shipbuilding and in the cost of handling vessels, we can surpass any other people on the globe.

Mr. GALLINGER. Is the Senator in favor of amending the law so as to take away the coastwise protection from the Great Lakes?

Mr. BURTON. No; I am not, because it would constitute too radical a change from our long-established policy. If it were to come up now as an original question, I do not know what I should say in regard to it.

Mr. GALLINGER. I fear it would be so radical a change that the Senator from Ohio would hear from it in a very serious way.

Mr. BURTON. There are a great many things that we hear from, some that displease and others that please. That ought not, however, to change our course on any question of public policy.

The next argument advanced is that a subsidy builds up a naval auxiliary. What is the object of a subsidy? Is it to increase the Navy, to promote trade, to stimulate shipbuilding, to carry the mails, or for what purpose is it intended? If it is to provide an auxiliary for the Navy, why not build the ships ourselves and call them naval ships from the beginning? That is a proposition that has received considerable support.

I am not so sure that I would support it myself; but it does seem to me that the arguments in favor of it are quite as strong as those in favor of a subsidy.

The Senator from New Hampshire said the other day that the cost of carrying mails to South America under his proposition would be \$3,366,000.

Mr. GALLINGER. No; the "Senator from New Hampshire" did not make that statement.

Mr. BURTON. The Senator said:

The following is a schedule of suggested steamship lines and sailings—

All of which, I take it, would be organized under the bill.

Mr. GALLINGER. I think the Senator has said that, in his opinion, not one of them would be organized.

Mr. BURTON. I will come to that. What I am after here is not my own objection or calculation, but the Senator's contention.

Mr. GALLINGER. Yes; but if the Senator will permit me, if he will read more carefully he will see that I said that those were problematical lines; it was not certain that they would be established, and that, in any event, not one would be established under two or three years. They were suggested lines.

Mr. BURTON. In order to give a complete service—

Mr. GALLINGER. I have received information since then that the two lines that were suggested from the Pacific coast will never be established, because the route is too long; and the Pacific coast people say that they would not go into that trade. So that would eliminate quite a good deal of money from the calculation that I ventured to make at that time.

Mr. BURTON. If they are to be subsidiary to the Navy, why not build them as naval ships?

Mr. GALLINGER. Will the Senator permit me, on that point, for a moment?

Mr. BURTON. Certainly.

Mr. GALLINGER. We are building ships; we are building colliers from year to year; but we are not, in my opinion, building anywhere near as many colliers as we ought to build. However, we do not want a great fleet of subsidiary ships in time of peace; we do not need them; but we did need them when the Spanish-American War broke out, and we reached out and took our merchant-marine vessels that were fitted to participate in that war and used every one of them. What we want is an auxiliary fleet that the Government can take in time of war, and that is precisely what this bill provides the Government shall be permitted to do.

Mr. BURTON. On that point, I suggest that the reason should be clearly stated. Suppose we had a Navy costing \$135,000,000 a year and the sentiment of the people should be aroused at such a great outlay and they should oppose any further increase, how easy it would be, under the semblance of stimulating the merchant marine, to still add to that enormous expense by building boats and in this way giving them a subvention. Let us know what the object of the bill is. Is it for the merchant marine? Is it for carrying the mails? What is the object of this bill?

Mr. GALLINGER. Mr. President, the object is to cover all those contingencies.

Mr. BURTON. Oh, yes.

Mr. GALLINGER. And, if the Senator will read the bill, it will not be necessary for me to state that fact.

Mr. BURTON. The other day the Senator spoke of the mortification he felt because, when our fleet went around the globe, we had no colliers to carry coal. Does he think that a boat fitted for carrying the mail at a high rate of speed, 16 knots or more, would be suitable as a collier to carry coal around the world with a fleet of battleships?

Mr. GALLINGER. The bill provides that the boats shall be built upon designs submitted to the Navy Department with a view to auxiliary use in time of war, the same as is done by England. It may be that we need more colliers built especially for that purpose; we have some now, and I suppose we might be able to get more from some other nation if we were wise enough to ask for them in time of peace. We could not get them if war was on, just as we could not have sustained our fleet when it was on the broad ocean if war had been declared at that time against this country.

Mr. BURTON. Mr. President, the time will never come in our history when we will be engaged in war without finding readily available suitable ships for transporting troops and carrying supplies.

As regards the examination and approval of the designs of these boats by the Navy Department, I will admit there is the best of skill in that department; but it would require more ingenuity than they possess to build a boat which would be available not only for carrying the mail to South America, but

also for the economical carrying of coal around the globe with a battleship. The two purposes require very different types of boats. Then, too, in that connection, let me say that the experience of those countries which have tried this experiment has shown that, while a boat of the merchant marine may be of some value in a war, the models and the types required for the two uses are so essentially different that the ships of the merchant marine are not well suited for use as auxiliary ships in time of war.

I come now to another claim made on behalf of subsidizing ships, namely, that foreign subsidies have built up the foreign merchant marines and increased foreign trade. It is true that subsidized ships have been built, but, first of all, because the trade was profitable and capital was attracted into the shipping industry. The subsidy has been only incidental. England is pointed to by subsidy advocates as an illustration of the great benefits accruing to trade by the granting of subsidies. Not over 5 per cent of the shipping of Great Britain receives any subvention or aid from the Government. The other 95 per cent, which carries the commerce of Great Britain over the globe and which furnishes so large a share of the shipping facilities for other countries, is absolutely without any subvention.

In Germany the proportion may not be so great, but the total subvention paid by that nation for carrying mail is less than the amount which this bill suggests. It is not the subvention or subsidy in the case of these countries that has built up their merchant marine, but the fact that shipping is a profitable enterprise. Whatever subsidies are paid are usually paid for the carrying of the mails at a higher rate of speed by lines already in existence.

Sometimes I think, as in the case of the two great boats, the *Mauretania* and the *Lusitania*, that these payments are extravagant; but under unfavorable conditions everyone can readily understand why those two great ocean greyhounds were built. The British Government was afraid of the diversion of the passenger and freight movement from England, and so it guaranteed, or possibly advanced, at a rate of interest of 2½ per cent, the amount of about \$12,000,000 to build those two most perfect types of ocean-going ships. The British Government pays them together the sum of \$450,000 for carrying the mails, an amount which, in view of the very short time required for the trans-Atlantic voyage and the enormous amount of mail they carry, is not, perhaps, an exorbitant price. But it is almost a perversion to call that \$450,000 a year a subsidy.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. I can not prevent the Senator using the term "subsidy" as frequently as he does; but I deny that there is any subsidy in the bill. We are not considering any subsidy whatever, and we want to be exact in this discussion.

The Senator holds views that are opposed to those held by some of the rest of us, and he always presents them forcibly and ably; but when the Senator says that Great Britain does not pay in what he calls subsidies and subventions as much as is included in this bill, the Senator has not examined the record. This bill, if all the lines that anybody has dreamed of should be established, will not take much over \$3,000,000 out of the Treasury, but Great Britain pays \$9,689,384 in subsidies and subventions per year. So the Senator ought not to say that this bill carries a greater amount than Great Britain pays.

Mr. BURTON. The figures which are furnished by the Commissioner of Navigation do not agree with those given by the Senator from New Hampshire. His figures may be more correct than those which I have. My authorities state that Great Britain and her colonies pay subsidies amounting to \$7,016,764, which is considerably less than the figures given by the Senator. The Senator from New Hampshire may, however, be correct, but the figures which I have do not authorize so large a sum as that mentioned by him. My statement, however, was that the mail subventions paid by Germany were less than the payments contemplated by this bill.

Mr. GALLINGER. I understood the Senator to say Great Britain. As to Germany the Senator is doubtless correct so far as direct subventions go.

Mr. BURTON. Mr. President, what is the origin of the British mail system and mail payments? About 1838 England realized that steam was coming into use. Two or three companies, the Great Western and the Cunard, were foremost in this traffic, and it was the earnest desire of that country that she should have the advantage which would come from the quicker carriage of the mails. So they began to make generous payments for carrying mail in steamships. They made a contract with Mr. Cunard, which, with some modifications, has



been continued to him or to the Cunard Co. virtually from that time to this. But it was not a subsidy. It was a payment for the quick transportation of mails, where, in their judgment, the English trade depended upon it. President Hadley, in an article on this subject quoted by the Commissioner of Navigation in his report for 1909, refers to this matter. I ask the especial attention of the Senator from New Hampshire to this paragraph, not merely because of the high respect due to the writer, but because I think it expresses the exact facts in regard to England's mail-contract system. President Hadley says:

Of England's mail-contract system it may be fairly said: (1) That its aims are political and not commercial. It is a necessity for England to have constant communication with her colonies, and she has spent large sums for this object. It is almost equally important for her to have an efficient naval reserve and transport service, and she has made her mail contracts one among several means toward this end. (2) That the incidental commercial advantage to the subsidized companies has not been generally great except at a very early period of the system. This is evinced by the fact that rival unsubsidized lines have been equally successful and that the largest contracts have been on terms which made them a matter of indifference to the party receiving them.

Now, what is a subsidy? When does this cease to be a mail-carrying contract and when does it become a subsidy? When you cross the line between a fair compensation for the service rendered and pay out an amount largely in excess of the value of that service, as in this case, it ceases to be an ordinary contract, a *quid pro quo*, and becomes a subsidy.

France furnishes one of the best illustrations of the results of subsidies. She is the subsidy country par excellence. Three classes of bounties are granted: One for building ships according to certain specifications; the second, a navigation subsidy based upon the tonnage carried; the third, a postal subvention, which is ostensibly for the carriage of mail, but is in reality larger and more important than either of the other two. A very considerable sum is paid by France for these subsidies; and what has been the result? Her merchant marine has not shown as wholesome a growth as our own. She has fallen far behind both Germany and England in the progress of her merchant marine. The history of the system has shown that for a while there would follow a temporary stimulus, but after a year or two the shipowners would come to the Government and say they must have more. So, little by little, additions have been made to the French subsidies. There was possibly a growth of tonnage in the beginning, but in the long run no satisfactory or wholesome growth of the commerce of France resulted from these bounties. And so it is entirely erroneous to say that other countries have built up their merchant marine and their foreign trade by subsidies or subventions. It is not true of England, of Germany, or of France.

There is a special reason why England should make liberal payments in order to secure ready mail communication with all her colonies, which dot the globe. She must have a ready means of reaching each one of them. All communications and dispatches must readily pass, and the scattered colonies must keep in close touch with the mother country. By constant intercommunication the bond of sympathy among them must be maintained and strengthened. For this reason, a reason which does not exist in our own case, these large amounts have been paid for the maintenance of a mail service.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. I will ask the Senator if he is accurate when he says that the merchant marine of France has not advanced—

Mr. BURTON. It has shown no such salutary—

Mr. GALLINGER (continuing). To a greater extent than that of the United States?

Mr. BURTON. I think not, in tonnage.

Mr. GALLINGER. We have only, I think, 10 or 11 ships engaged in the overseas trade to-day.

Mr. BURTON. I am not speaking about the overseas trade. I am talking about all of it.

Mr. GALLINGER. If the Senator is talking about the coastwise trade, from which foreign ships are absolutely prohibited by law, of course that is another thing, and utterly foreign to this discussion.

Mr. BURTON. It has been stated that the quantity of tonnage engaged in foreign trade with us is greater than in France. I am not, however, able to verify that statement.

Mr. GALLINGER. I think not.

Mr. BURTON. What I refer to is the growth of the merchant marine.

Mr. GALLINGER. Then, again, the Senator calls attention to the necessity of Great Britain having speedy and full communication with her colonies. The Dominion of Canada itself is paying two millions in subventions and subsidies to her shipping. Canada—little Canada, with seven or eight millions of people—is paying nearly a million dollars more than the United States. It seems to me that that does not sustain the Senator's argument that Great Britain is giving this money simply to get communication with her colonies. She is doing it in the belief that it gives her fast mail communication with the other nations of the world and builds up her trade. That is what she believes.

Mr. BURTON. Of course, in the first place, the Senator from New Hampshire knows that the United Kingdom with its colonies is, in a sense, one country; that the opinions and the influences that are potent in Great Britain are reflected in the colonies as well; and that if England engages in any particular line of policy the colonies are sometimes eager to join in it, and they very naturally pursue the same general policy as Great Britain.

But there is another point relating to Canada to which I wish to call attention. There is a great difference between a new country, where lines of communication have not been established and are not likely to be established under prevailing conditions, and an older one well supplied with such facilities. In the former case there is a much better excuse for granting subventions to new lines. There would have been a much better reason for subsidizing our lines 50 years ago—yes, 30 or even 20 years ago—than now, because then these different routes had not been established. There was not the same sufficient supply of ships as now.

I wish especially, Mr. President, to dwell upon the more potent reason for granting aid to shipping in a new country. There was greater necessity for aid of this nature before the shipping of the world had reached its present enormous dimensions, and the different routes of travel had been established.

But those who favor subsidies and insist that they are the means of building up trade turn to Japan. Exceptional conditions exist in Japan. It is a new country which has made and is still making more rapid progress, perhaps not in population, but in the development of its resources and those things which build up the power of a nation, than any other country in the world. It is also remote from the more advanced nations of the earth, such as the United States and Europe, with which it is now coming into closer association. Hence there is some reason for the granting of subsidies by Japan.

But let us see how they work. I quote from one of our consular reports, under date of November 8, 1909. The consul gives an account of the working of subsidies there. He says:

The Tokyo Kisen Kaisha, which operate the Hongkong-San Francisco Line, are understood to have sustained a net loss on their operations in the latter half of 1908 of \$400,000.

The following table from the Tokyo Keizai gives cargo and passengers handled by the Hongkong-San Francisco Line since 1899:

Years.	Cargo.	Passengers.
	<i>Tons.</i>	
1899-1900.....	87,819	10,136
1900-1901.....	95,038	11,569
1901-1902.....	91,486	15,464
1902-1903.....	90,579	12,584
1903-1904.....	14,690	1,662
1904-1905.....	9,574	1,558
1905-1906.....	60,003	13,539
1906-1907.....	75,333	11,220

An examination of the foregoing table discloses the fact that these subsidized lines are not carrying at the present time a quantity of cargo materially greater than when they first started operations, while the increase in the number of passengers is comparatively insignificant.

So it would seem that neither trade nor, in the proper sense, a merchant marine was built up by the subsidy granted to this steamship company.

Take another company.

The Tokyo Keizai states that since 1900 the Nippon Yusen Kaisha, on the Hongkong-Seattle Line, employing three ships, each of about 6,000 tons gross, drew an annual subsidy of \$327,000.

The Tokyo Keizai contends that the bulk of the cargo carried by these subsidized lines neither leaves nor enters Japan, so that foreign countries get most of the advantages accruing from the subsidy.

So, in regard to Japan, we must take into account, in the first place, the different conditions which prevail there, and, in the next place, the fact that these subsidies have not materially benefited the country. Indeed, the argument is advanced that they have been a far greater benefit to other countries.

Mr. President, this bill in itself does not seem like a harmful measure. We already have on the statute books a law authorizing the payment of \$4 per mile for ships of a speed of 20 knots—that is, on the outgoing voyage; of \$2 per mile for those of a speed of 16 knots; of \$1 a mile for those of 14 knots speed; and two-thirds of a dollar for those of 12 knots. These rates, it must be conceded, are very high, and again I maintain that they are based on an utterly erroneous principle.

There are two or three methods of computing the compensation to be paid for mail carriage. One is to fix a certain amount per mile. It is very clear that this is not in accordance with ordinary business principles in paying for a service rendered. It leaves entirely out of account the service rendered, the vital feature of which is the quantity of mail carried. The second plan is that a certain amount per pound shall be paid to the steamship companies. This is much more in accordance with sound business principles. A third method is to give to the companies the sea postage, to which is sometimes added the postage paid on land. If it were possible, however, to build up a merchant marine or establish mail routes, these payments are large enough.

I think I may safely say that they are greater than are paid anywhere else on the globe. This is certainly true when compared with any of the countries with which we compete. There would be a payment of something like \$26,000 per trip from New York to the city of Buenos Aires for a boat of 20 knots' speed and of \$13,000 a trip for a boat of 16 knots' speed.

If there were opportunity for wholesome development of trade along that route and some assurance of a proper return for our shipping, boats flying the American flag would be built and would traverse that route without the aid of subsidies.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER (Mr. THORNTON in the chair). Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. Before the Senator takes up another phase of the discussion, and in the line again of accuracy—the Senator from Ohio suggests that the payment made under the law of 1891 is greater than that paid by other countries. The fact is that Great Britain pays \$3.60 a nautical mile to certain steamship lines for carrying the mail.

Mr. BURTON. Perhaps I should have spoken of that, for the sake of accuracy.

Mr. GALLINGER. To second-class ships.

Mr. BURTON. Of course, to the *Mauretania* and *Lusitania* larger amounts than these are paid.

Mr. GALLINGER. No; the Senator, if he will—

Mr. BURTON. I am not aware that there are any such rates paid, but if that is the case, they are on lines—

Mr. GALLINGER. If the Senator will look carefully into the matter he will find that across the Pacific, from British Columbia to Japan, England has a line of second-class ships to which she pays \$3.60 per mile postal subvention.

Mr. BURTON. If that is the case, I was not aware of it. At any rate, it is a very different class of service from that which would be rendered in this case.

Mr. GALLINGER. For service on second-class ships, just as we are paying \$2 a mile on second-class ships, Great Britain is paying \$3.60. That is the only difference.

Mr. BURTON. Will the Senator from New Hampshire give his authority for that statement? Where is it found?

Mr. GALLINGER. I looked it up very carefully. The authority is entirely adequate for my purpose.

Mr. BURTON. I should really like to examine the place where the statement appears.

Mr. GALLINGER. I will furnish it to the Senator.

Mr. BURTON. It is not in accordance with my understanding of the subject and some general statements that have been made in regard to it.

Let us review the great disadvantages under which our trade with Argentina is carried on. I have already referred to them in part. The most important fact is that her products are competitive with ours rather than complementary. We ship there a great deal of agricultural machinery and some other manufactured articles, but the large boats going there from New York have found it necessary to return by way of Europe, because it was impossible to obtain a return cargo to the United States. This absence of return cargoes is a very considerable disadvantage. The volume of passenger traffic, say, first and second class passenger traffic, from this country to Argentina is also trivial as compared with the corresponding traffic from Europe. But the most vital factor of all is that there is an enormous migration from the European countries to Buenos Aires and

other South American ports. Many of those immigrants return at intervals to their own countries. Some of them go to South America only temporarily. This immigrant traffic is probably the most profitable business for those European steamers. It is extremely difficult, then, for us to compete with them, because of the essential differences which exist in the conditions of traffic between European countries and the United States to the Argentine Republic.

The Senator from New Hampshire asks me what is a subsidy. Anything is a subsidy which involves a payment entirely disproportionate to the value of the service rendered. It is true the Senator from New Hampshire has stated that he does not regard these figures of \$3,366,000 as more than a statement of the cost of the routes which would or could naturally be laid out under this bill. But, nevertheless, in securing this service it is necessary to expend for lines to South America \$3,366,672, and for lines to the Isthmus of Panama, \$794,880, making a total of \$4,161,552.

Let us see what Germany pays for mail carriage to South America. The idea is presented to us that by reason of mail subventions Germany is increasing her trade and getting a strong foothold there, which should awaken our immediate attention. What is the total amount that Germany pays for mail carriage to South America? I quote from the report of the Commissioner of Navigation for 1909, page 39:

The German payments for South American mails amount to about \$75,000 annually.

Seventy-five thousand dollars! It does not look as if that subsidy was enough to build up such an enormous trade with South America.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Yes.

Mr. GALLINGER. The Senator knows that Germany gives all kinds of advantages in the matter of shipbuilding; that all materials transported from one end of the Empire to the other for the purpose of shipbuilding are given rebates, and that in that and other ways the German ships have a very great advantage over those of any other nation, and especially of those of the United States.

Mr. BURTON. I do not think that is a very material factor in this problem. The rebate on plates, say, from the mills at Essen or some other place to the shipbuilding yards does not amount to an appreciable factor in the cost of ships. And it is possible that in the old days, when rebates were in vogue in this country, even larger rebates were given to shipbuilding companies here on the transfer of material.

Mr. GALLINGER. They were not given on foreign ships, because we have not built any.

Mr. BURTON. I mean on the building of domestic ships at home.

Mr. GALLINGER. That is, of course, another story. That is not in debate on this bill.

Mr. BURTON. Let us next look at the British subsidies to South America. They amount to \$158,145. There are additional payments made to Jamaica of \$194,640 and to the West Indies of \$121,650. But it appears that as far as the transfer of mails to South America proper is concerned the total amount paid for this service is only \$158,000. Hence it is absurd to say that either German or British mail subventions are in any way responsible for their growing commerce to South America.

Let us also note what we pay in our own trans-Atlantic service. We pay our ships for the trans-Atlantic mail service only \$737,000. The cost of transporting all the great European mail, including payments to foreign ships, is only \$1,459,000. Let us note those figures carefully. The enormous mail passing between the United States and Europe each year is carried at a cost of only \$1,459,000, while this bill, according to the routes suggested under it, proposes to pay over \$4,000,000 for carrying mail to the Isthmus of Panama and to South America. To South America alone it is proposed to pay \$3,366,000, an amount considerably more than twice the cost of the carriage of all the mail to and from Europe. I do not know what the proportion is between the two, but the quantity carried between the United States and Europe as compared with that between the United States and South America would probably not be less than 50 to 1, and I am not sure but that the proportion would be greater.

If this were a reasonable bill, if it were not an entering wedge for a subsidy, or if it were not a ship subsidy in disguise, I should most cheerfully yield any objections to it. But I am so sure that the result of this will be either flat failure or ship subsidy on a large scale that I feel constrained to oppose it.



What has been our own experience in the payment of subsidies in the past? In the year 1845 we adopted a policy of paying liberal compensation to steamship lines. The Collins Line was established in the year 1850. It met with disastrous failure, due to the loss of two boats—the *Arctic* and the *Pacific*—and finally went out of existence. Its boats were faster than those of the Cunard Line, and they were preferred by passengers. But no amount of subsidy was sufficient to maintain them upon the ocean. The first payments proved inadequate, and then a request was made for larger subventions. Almost every succeeding Congress found the owners of the line here demanding larger pay or further privileges.

If you enter upon the policy of granting subsidies, you may be sure that you are starting in on a long road, on which there will be no stopping and where Congress will be constantly importuned for further payments.

About the year 1865 subsidies were granted to steamship lines to Brazil and the Orient; and, Mr. President, if you will examine the debates in those days you will find that their glowing anticipations of trade results surpassed by far any prophecies since uttered in the Halls of Congress. It was declared that we would become the distributing agents for the teas and silks of China; that all their exports to the outer world would be brought by this subsidized line to the United States. But what was the result? There was a little stimulus in the traffic on silks. But in 10 years the trade had fallen off rather than increased.

Then take the Pacific Mail Steamship Co. with its numerous routes. It also received subsidies from the Government. But in connection with this line there developed one of the most mortifying incidents in the history of Congress. Its agents came here in the year 1872 and scattered bribes right and left in an effort to secure additional subventions. A legislative investigation followed, which put an end to this subsidy and brought untold disgrace on many men who had been bribed to vote for the desired increase.

I relate all this to show that subsidies, when once begun, must be increased; that the clamor for their increase will be almost irresistible; and that there is great danger of corrupting influences in connection with them.

The argument that trade is stimulated is very easily answered. The great majority of our products shipped abroad is carried in slow boats; the swifter ships can not afford the low rates that are profitable to the slower ones. Mr. Collins appeared before a committee of Congress when he was asking for more subsidies, and told them that to clip off a day and a half in the voyage between here and England in a fortnightly service, 26 trips a year, cost him a million dollars annually. I suppose he meant that this additional expense was incurred not only in the model of the ships, but also in the larger amount of coal used and the greater number of repairs necessary, and perhaps the better service offered. Slower ships exist in abundance for any commerce that we may have. Let us again take the case of Argentina. I select that and refer to it repeatedly because it is the best illustration of trade with a growing South American country.

In the year 1910 there were 124 sailings from New York City to Argentina, a little more than one every three days. The average capacity of the boats was 6,000 tons. The largest ship that engaged in the traffic carried 14,500 tons cargo. That does not look as if there were any deficiency in the facilities for transporting our freight to Argentina, especially when we recall that within about 20 years our exports to this country have increased 263 per cent.

I desire also to call attention to the low freight rates from New York to Argentina. It has been exceedingly difficult for me to find figures that are reliable and capable of comparison with rates to other places, but, as I have been informed, and as the following example shows, rates from New York to Argentina are, in general, lower than from New York to Galveston. The rate on oils from New York to Galveston is 34 cents per hundred pounds; from New York to Liverpool, 10 cents; from New York to Argentina, about 21 cents; showing that it costs less to carry 100 pounds of freight from New York down through the Tropics and across the Equator than it does to take it merely around by the Gulf to Galveston. I am satisfied that the same, and perhaps greater, differences in favor of the New York to Argentina route will appear in the freight rates on iron and other staple articles. Hence there is no lack of boats and no lack of cheapness in transportation charges.

A subsidy would not diminish the freight rates, because it is generally conceded that subsidies are to be granted for the sake of meeting the extra expense of building and operating an American ship. I have already spoken at length in regard to

this, and I do not wish to repeat what I have already said, except to state that our disadvantages in shipping, as compared with foreign countries, rest, first, in the original cost of the ship; second, in the cost of maintenance; third, in the cost of operation.

A great disadvantage also exists because of the absence of any large class of sailors in this country such as exists in foreign countries like Norway, Germany, and England. But most of all, the decadence of our shipping is due to the fact that we have this vast continent to develop, and capital finds it more profitable to exploit our enormous resources on land. When more of our great mines have been developed; when our farmers have reached a higher grade of efficiency; when our manufacturers find that the home market is supplied and other outlets for their products must be found; when capital can earn only a low rate of interest like that paid in Holland or in England, then the people of this country will naturally turn to the sea.

Just a few words in closing, Mr. President. The inevitable tendency of subsidies and special privileges is to promote inequality of opportunity. We need not ignore the fact in this country that business is conducted on an enormous scale, and that we are already securing a position of primacy in the world's markets. But we should stop when privilege leads to oppression and monopoly, such as is largely the result of the large mail subventions paid to the Cunard Line and the subsidies paid by France, which tend of necessity to drive competitors out of the field.

Suppose you have a line to South America which is receiving a fixed subvention and another company desires to establish a freight line at a lower rate of speed, is it likely to take the risk of engaging in competition with the line already in existence which enjoys large subsidies from the National Treasury? Thus you promote inequality, you prevent competition, you give that greater opportunity to monopoly which is the very thing that we desire to avoid.

Right in this connection I am satisfied that in numerous instances, both in this and in other countries, those opportunities for bettering the service and for improving the quality of the ship, which would naturally be embraced by a wealthy and increasing country, have been entirely lost, because other investors did not wish to enter the field and because those already in it, secure in their monopoly, did not care to raise the service to the highest point of efficiency.

We have had much agitation, much talk, and a great deal of substantive law in State and Nation to prevent monopoly. Some of it, in my judgment, has been unwise. But would it be consistent for us, in view of what is a most powerful current of public opinion against special privilege and monopoly, to pass this bill giving subventions from the National Treasury at the expense of the taxpayer for the building up of this service, when it is confessedly operated at a loss, and when confessedly it must occupy that field to the exclusion of others that might enter it?

Mr. President, I am satisfied that the mail service to South America will be improved, if we go about it in a rational way. In the first place, I would not attempt to have lines operating from so many different ports in the United States to South America. There would naturally be one line from New York, stopping perhaps at Charleston or Savannah, to Brazil and to the Argentine Republic, and another from New Orleans through the Panama Canal, when it is completed, down the west coast of South America. Possibly one line would answer both purposes.

It is a singular fact that mail can be carried from this country to the ports of the Argentine Republic more rapidly by going down on the Pacific side and then taking a railway piercing the Andes, which crosses in about 36 hours. To me, at least, with all the routes suggested by the Senator from New Hampshire, this bill has too much the appearance of territorial distribution—one line from New Orleans, one from Baltimore, one from New York, one line from Seattle, and one, I believe, from San Francisco. What is the businesslike way to do, if you are going to enter this service? Start with one line or, at the outside, two lines, and see whether or no it proves successful.

As already stated, an abundance of freight lines and passenger lines are now engaged in this service, and their number is increasing year by year. The speed of the ships and the accommodations which they afford are also improving.

Now, what is the aim of this bill? If you want quicker mails and more ready service, notwithstanding our partiality for the American flag and for the American ship, would not the rational way be to offer to those lines already running boats at a speed of 14 knots an hour to South America and

furnishing facilities for passenger traffic an additional mail pay if they will increase that speed a couple of knots?

For that purpose I most strongly affirm, Mr. President, that the present law affords ample compensation. Our trade relations and our political relations with South America are improving every year. I am eager to do all that is rational and all that is in accordance with a salutary policy in order to increase and improve those relations. But I do not believe it can be accomplished by such a policy as this measure before us contemplates.

The Senator from New Hampshire has said that I do not believe any boat lines will be established under this plan. I have never considered that. I am strongly inclined to think, however, that if we passed a law granting to Americans the privilege of buying ships abroad, to be used in the oversea trade with foreign countries, lines would be put on under the American flag and with an American register, which under the existing law would accomplish all that is sought by the proponents of this bill.

Mr. GALLINGER. Mr. President, the suggestion of the Senator from Ohio [Mr. BURTON] that, in his judgment, the existing law is sufficient to accomplish what is aimed at in this bill is not borne out by facts that are well known to every Senator. Two or three years ago we had a line of steamships from San Francisco across the Pacific Ocean to Australasia. We were notified that they could not continue to run unless increased pay for carrying mail was granted to them. That statement was made in this Chamber and it was scoffed at. The suggestion was made here that those gentlemen only wanted to get a little more money out of the Treasury. We refused to increase the pay, and the ships were tied up at the docks in San Francisco and have been rotting at their anchors ever since; and that great line, the Oceanic Line, which had developed and very greatly increased trade with Australasia has been idle for the last two or three years.

Mr. BRISTOW. Mr. President—

The PRESIDING OFFICER. Will the Senator from New Hampshire yield to the Senator from Kansas?

Mr. GALLINGER. Certainly.

Mr. BRISTOW. I inquire of the Senator how long that line was in operation.

Mr. GALLINGER. I do not know how long, but for a good many years, and they lost a very large amount of money.

Mr. BRISTOW. The trade did not develop in a satisfactory way to continue the business?

Mr. GALLINGER. The trade in Australasia more than doubled during the time the line was in operation, but they were losing \$300,000 or \$400,000 a year, and they concluded they could not continue to do that indefinitely.

Mr. BRISTOW. Is there any reason to believe that the same experience might not happen to these proposed lines, if they were established?

Mr. GALLINGER. It would not happen to these proposed lines, in all human probability, because we propose to pay the new lines precisely what the Oceanic Line asked us to pay them and we refused to do it. On the contrary, we have reason to believe, if this bill should pass in an amended form, including a line across the Pacific Ocean, that that line would be reestablished.

Mr. JONES. Under the amendment pending, proposed by the Senator from New Hampshire, the Oceanic Line would not be reestablished.

Mr. GALLINGER. I said if it was agreed to in an amended form. I know what the Senator has in his mind, and he will not receive any opposition from me when that proposition is made.

Mr. President, the Senator from Iowa [Mr. CUMMINS] proposes to address the Senate on this subject, and I am going to occupy only a few minutes' time before he takes the floor.

Mr. President, the Senator from Ohio claims that trade will not be developed by the proposed legislation. It is a remarkable circumstance, if this legislation is not in the line of developing trade, that almost every business organization in the great cities of the country has passed resolutions in favor of legislation of this nature.

On previous occasions I have presented a long list of such organizations and I am not going to weary the Senate to-day by repeating them. I may insert them in the RECORD before the debate closes.

I have here, Mr. President, resolutions adopted by the Pacific Slope Congress November 18, 1910, which I am going to read:

Whereas American shipping on the high seas is to-day at the lowest ebb in the history of the country, a condition which is in the highest

degree detrimental to the general welfare and our progress and prosperity as a nation, as well as a national humiliation; and

Whereas a strong merchant marine is also necessary as an auxiliary to our Navy, which would be practically useless in time of war without this necessary support; and

Whereas the remedy for this condition lies in the adoption by our country of the methods approved and applied for the building up of over-sea commerce by the most progressive nations of the world: Therefore be it

Resolved, That this congress heartily indorse the efforts of the present administration and of the Congress of the United States to enact a law having for its object and purpose the upbuilding of our merchant marine and the restoration of our flag upon the high seas.

JAS. N. GILLET,  
President Pacific Slope Congress.  
C. C. HANCOX,  
Secretary Pacific Slope Congress.

Two or three days ago, Mr. President, in the city of Washington, the National Board of Trade met. There were delegates in that great gathering from 32 of the large cities of the country and they passed resolutions which are very pronounced in favor of the proposed legislation. I will ask permission to insert them in the RECORD without reading.

#### REPORT OF COMMITTEE ON AMERICAN MERCHANT MARINE.

##### The National Board of Trade:

Your committee on American merchant marine begs to reaffirm the resolutions passed last year by the National Board of Trade, as follows:

"The National Board of Trade believes that our greatest commercial question involving the interest of the entire country is the recreation of the American merchant marine, and it deplores that no action has been taken by Congress.

"The carrying trade of the United States is practically monopolized by aliens, who have established their lines from its ports to all parts of the world.

"The board advocates that proper encouragement be given to creating an American-built steam and sail tonnage so necessary to the extension and protection of the commercial growth of the country.

"An adequate merchant marine is of inestimable value in times of peace and absolutely essential in times of war: Therefore be it

Resolved, By the National Board of Trade:

"First. That, in our judgment, the commercial interests of the country require prompt legislation, such as will result in the reestablishment of the American merchant marine.

"Second. That we ask of Congress not only the immediate establishment of American owned and managed mail and freight lines to our dependencies and the leading commercial countries of the world, but also proper legislation which will enable our citizens to build, operate, and maintain steamers and sailing vessels on an equal footing with any other maritime power."

WM. HARRIS DOUGLAS,  
Chairman.  
W. B. LIVEZEY.  
E. R. WOOD.  
EDWARD H. HORWOOD.  
G. WALDO SMITH.  
JOHN G. CROXTON.

Now, Mr. President, as to the matter of our mails. The Senator from Ohio says we have plenty of ships belonging to foreign nations going to South America. There is no trouble about the carriage of our mails; all we have got to do is to patronize them. A very intelligent business man wrote me the following letter only a few days ago:

DEAR SIR: In connection with Senate bill 6708, it may be of interest to you to know of my experience in getting mail from the United States to the Argentine.

I have made three trips to the Argentine in the past two years, and found that it rarely happened that a letter reached Buenos Aires from New York in less than 30 days, and in one instance a letter took 45 days to reach me.

In April, 1908, I cabled my home office that I was leaving Buenos Aires for Valparaiso and received a reply stating they were mailing me an important letter and to wait its arrival. I waited 35 days, and the post mark showed the letter to have been mailed the day the cable was sent.

At present most of the mail for South America is sent by way of England. From England there is a sailing of a British mail line to Buenos Aires every 14 days, and should a letter from the United States reach England the day after the mail boat has left for South America the mail is held in England until the next sailing of a British boat, in spite of the fact that there may be a French or German boat leaving within a few days.

Mail is only sent from England on vessels of other than British registry when specially marked to go by a specific boat or line. You can readily see that this is impractical for Americans.

United States mail sent by the direct line takes from 30 days up to reach Buenos Aires, as these boats make frequent and sometimes long stops on the way; usually spending one day at Rio, three days at Santos, and two or three days at Montevideo.

In conclusion I might add that from my experience I believe there is a crying need of a good line of fast ships between the United States and South America, and am strongly of the opinion that the establishment of such a line would result in an increase in the interchange of commerce between the United States and South America beyond the most sanguine hopes of those interested.

Mr. President, for the present I will yield the floor for the purpose of allowing the Senator from Iowa, who had signified a wish to address himself to this subject, to proceed. A little later on I will put in the RECORD some further facts regarding what I conceive to be the urgent need of the passage of the bill with a view to the development of our trade in South America, to the speedy carriage of our mails, and to the benefit of our Navy when the day of need comes, and that day may come sooner than some of us have any apprehension of.

Mr. CUMMINS obtained the floor.



Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. NEWLANDS. I simply ask the Senator to yield for the purpose of offering an amendment.

The Senator from Ohio [Mr. BURTON] indicated his preference for the proposal to increase our auxiliary navy and utilizing it in times of peace for commerce to the proposed bill for a subsidy, and as I have a bill now pending, Senate bill 3721, referred to the Committee on Naval Affairs, for the creation of an auxiliary navy, I have concluded to offer that bill as a substitute for the pending bill. I ask that the amendment, which is a short one, be read.

The PRESIDING OFFICER. Without objection, it will be read.

The SECRETARY. Amendment intended to be proposed by Mr. NEWLANDS as a substitute for Senate bill 6708:

That the Secretary of the Navy, the Postmaster General, and the Secretary of Commerce and Labor shall hereafter constitute a commission to be known as the Foreign Commerce Commission, and that they are hereby authorized to provide for the construction, either in the private shipyards of the United States or in the shipyards of the Navy, or both, of 30 vessels, not exceeding 6,500 tons capacity each and costing in the aggregate not exceeding \$30,000,000; that such vessels shall be so constructed as to be useful to the Navy as auxiliary vessels, such as transports, colliers, dispatch boats, cruisers, and scouts, and also useful in times of peace in opening up new routes of commerce; that such commission make to Congress such recommendation as to it seems advisable regarding the manning of such vessels in whole or in part by the Naval Reserve and the leasing of them so manned in times of peace to shipping companies, or otherwise utilizing them, for the purpose of promoting foreign trade and commerce, and the incorporation of such shipping companies under national law, and reports of their operations.

Mr. CUMMINS. Before I take up the subject of the bill I would like to ask the Senator in charge of it how long he expects to ask the Senate to remain in session this afternoon.

Mr. GALLINGER. I certainly have no disposition to weary Senators. I think if we could continue until 5 o'clock it would not be asking too much.

Mr. CUMMINS. I have no desire that the Senate shall adjourn immediately, but I would like to know about how to divide the address I propose to make upon the various phases of this matter.

Mr. GALLINGER. I certainly shall not hasten the matter, and will be disposed to favor an adjournment at any time when it suits the convenience of the Senator from Iowa. Still, I should like very much to get in another hour of work to-day.

Mr. CUMMINS addressed the Senate. After having spoken for more than half an hour,

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. Yes.

Mr. BORAH. I do not wish to make a motion to adjourn, but I think the Senator from Iowa would prefer to complete his address to-morrow.

[For Mr. CUMMINS's entire speech see Senate proceedings of Saturday, January 21.]

#### EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

After six minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 21, 1911, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 20, 1911.*

##### CONSUL GENERAL.

Ernest L. Harris to be consul general at Stockholm, Sweden.

##### CONSUL.

Thomas P. Moffat to be consul at Managua, Nicaragua.

##### COLLECTORS OF CUSTOMS.

H. Claiborne Willson to be collector of customs for the district of Petersburg, Va.

Fred Read to be collector of customs for the district of Newport News, Va.

##### PROMOTION IN THE REVENUE-CUTTER SERVICE.

Third Lieut. of Engineers Norman Brierley Hall to be second lieutenant of engineers.

#### PROMOTIONS IN THE NAVY.

Commander Robert F. Lopez to be a captain.

Paymasters William B. Rogers, Thomas De F. Harris, John F. Hatch, Frederick G. Pyne, Frederick B. Colby, Edward E. Goodhue, William R. Bowne, and Rishworth Nicholson, with the rank of lieutenant, to be paymasters with the rank of lieutenant commander.

Civil Engineers Lyle F. Bellinger and Reuben E. Bakenhus, with the rank of lieutenant, to be civil engineers with the rank of lieutenant commander.

##### POSTMASTERS.

###### CALIFORNIA.

Wilson Hays, Colton.

###### IDAHO.

Ray E. Newbury, Mullen.

Pearl Mitchell, Council.

James A. Parker, Orofino.

###### ILLINOIS.

Arthur P. Woodruff, Savannah.

###### KANSAS.

James Frey, Enterprise.

George Gilman, Madison.

Harry M. Leslie, Robinson.

###### MASSACHUSETTS.

Jonathan C. Pratt, Norton.

###### MICHIGAN.

Will H. Brunson, St. Johns.

James H. Codey, Belleville.

Leonard W. Feighner, Nashville.

Orrin T. Hoover, Chelsea.

###### MINNESOTA.

Clement H. Bronson, Osakis.

Charles E. Fuller, St. James.

Alfred J. Gebhard, Lamberton.

Francis S. Pollard, Morgan.

###### MONTANA.

Thomas Nicholson, Philbrook.

###### NEBRASKA.

James C. Elliott, Westpoint.

Max Lawton, Valparaiso.

Ray O. Lyon, Gordon.

Orrin Peck, Palmer.

Isaac A. Royer, Hardy.

Lee Van Voorhis, Crawford.

###### NEW JERSEY.

Herbert H. Biddulph, Montclair.

###### NEW YORK.

George Anderson, Castleton.

Mary L. McRoberts, Tompkinsville.

###### PENNSYLVANIA.

D. James Colgate, Hawley.

Hiram H. Nissley, Elizabethtown.

Sylvester B. Wollett, McConnellsburg.

###### SOUTH DAKOTA.

Bertha M. Howard, Onida.

William B. Yarosh, Murdo.

###### VERMONT.

Joshua H. Blakley, Bellows Falls.

###### WEST VIRGINIA.

W. Osborne Parriott, Newburg.

###### WISCONSIN.

Lawrence Barrett, Peshtigo.

Charles P. Brechler, Fennimore.

Edward M. Crane, Oshkosh.

Herman O. E. Diestler, Hortonville.

Harry C. Hall, Iron River.

Richard Koebke, Antigo.

William H. Landolt, Wauwatosa.

Calvin A. Lewis, Sun Prairie.

Arlene Parkin, Mazomanie.

Charles E. Prindle, Niagara.

Mark W. Rowell, Hartland.